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Journal of the House of Representatives

Hall of the House of Representatives
Washington Arkansas.
Thursday September 22d 1864

At a Special Session of the Legislature, Called and held at the Town of Washington (the temporary Seat of Government) in the County of Hempstead and State of Arkansas on the 22d day of September A. D. 1864 in accordance with the Proclamation of his Excellency Harris Flanagin Governor of said State. and which said Proclamation is in the words following to wit.

PROCLAMATION
BY THE GOVERNOR.

THE STATE OF ARKANSAS:
To the Members of the G[illegible]
State—GREETING:

WHEREAS, The Co[illegible] of Arkansas empowers the [illegible] tion, to convene the [illegible] the State on extraordinary [illegible]:

Now, therefore, I, [illegible], Governor of the State of Arkansas, [illegible] the authority in me vested by law, de[illegible] upon the Members of the General Assembly to convene in Session Extraordinary at Washington, Hempstead County, ON THURSDAY, the 22D DAY OF SEPTEMBER NEXT, at 10 o'clock A. M.

IN TESTIMONY whereof, I have hereto set my hand and caused the Seal of the State of Arkansas to be affixed at Washington this 9th day of August, 1864.

H. FLANAGIN.

By the Governor,
O. H. OATES, *Sec'y. of State.*

And thereupon on motion of Mr Scott of Clark Co. Mr Lowry of Circuit County was called to the Chair.

And on motion of Mr Neal of Sebastian County Mr James M Hutchings of Pulaski County was requested to act as clerk.

The following Communication was received from the Secretary of State.

"Office of the Secretary of State
Washington Arkansas
September 22d 1864

I Oliver H. Oates, Secretary of State of the State of Arkansas; do hereby Certify that the following is a correct list of the members of the House of Representatives, who have been elected to fill vacancies since the last Session of the General Assembly, as appears from the returns on file in my office.

From the County of Polk J. N. Miller
" " " " Sevier A. D. Hawkins & H. K. Brown
" " " " Lafayette Alexander Byrne
" " " " Union Lewis Murph

Whereupon Mess Miller, Hawkins, Byrne and Murphy, being present came forward, took the oath of Office before Chief Justice English and entered upon the discharge of their duties

The Roll then being called, the following were present and answered to their names Viz:

Mess Barnes, Byrne, Byrd, Carnall, Cheatham
Collins of Bradley, Collins of Drew, Fain, Fletcher, Fum
Gantt, Goodwin of Columbia, Gould, Harris, Hawkins
Jones of Hot Spring, Lowry, Miller, Murph, Neal, Phelps
Robins, Scott, Sissell, Stoddard, Teague, Tucker
Wilcoxen and Wilson, Haynes. Hunt. 31

Mr Speaker informed the house that there was not a quorum present

Mr Scott, announced to the House the sad intelligence of the death of the Hon Charles B. Mitchell late a Confederate States Senator from the State of Arkansas and who departed this life on the morning of the 21st inst.

And thereupon on his motion a Committee of Conference was appointed Consisting of Mess Scott of Clark Neal of Sebastian and Collins of Drew, to Confer with such Committee as might be appointed by the Senate to make arrangements for attending the funeral of the Hon Senator, and that the Senate be informed of the appointment of such Committee, which was done,

On motion of Mr Neal of Sebastian a Committee of three was appointed to draft Resolutions expressive of the Sense of this House upon the death of the Hon Charles B. Mitchell - Whereupon the Chairman appointed Mess Neal of Sebastian, Haynes and Fain as such Committee

The following Message was received from the Senate

Mr Speaker,

I am instructed to inform your Honorable body that the Senate has Concurred in your resolution in relation to the funeral of the Hon Charles B. Mitchell, and appointed Mess Williams & Hampton as such Committee on the part of the Senate.

Mr Scott Chairman of the Committee appointed to Confer with the Senate Committee, made the following Report "Mr Chairman

The Committee on the part of the House of Representatives appointed to Confer with the Committee of the Senate in regard to the funeral obsequies of Hon C. B. Mitchell beg leave to

Report

That the two Houses proceeded by their officers and

Conducted by Edmund Burgevin as Marshall, shall form a procession from the Capitol at 20 Minutes before 3 O'clock P.M. of to day when the procession shall move to the residence of the deceased and there join with a procession on the part of the Masonic Fraternity which will have precedence in the burial Service

That the Marshall appointed by the Committee shall Confer with the Marshall appointed by the Masonic fraternity, and make such arrangements in detail as may be necessary

That in the procession of the two Houses, the Senate shall take precedence

S. M. Scott, Chairman of House Com.

On Motion of Mr Neal, the Report was received and adopted.

Mr Neal Chairman of the Committee appointed to draft Resolutions expressive of the sense of this House upon the death of Hon C. B. Mitchell presented the following. Vz

Mr Chairman

" Your Committee appointed to draft Resolutions expressive of the sense of this House on the death of the Hon C. B. Mitchell, beg leave to submit the following:

Whereas this body has received with profound regret the sad intelligence of the death of the Hon Charles B. Mitchell, late Senator from this State in the Congress of the Confederate States of America, who departed this life at his residence in the town of Washington on the 21st inst.

Therefore

Resolved 1st That in the death of that excellent man, Society has lost a shining ornament, the State an able Statesman and faithful Representative, the Nation an eminent and distinguished Counsellor: His family a loving husband and affectionate father.

Resolved: That this body in Common with the Community and the Nation sincerely and deeply sympathize with the family and friends of the deceased.

Resolved: That in respect of the distinguished deceased this House repair in a body and attend his funeral after which all further business be suspended during the day

Resolved That these Resolutions be spread upon the record and a copy thereof be transmitted to the family of the deceased

C. B. Neal Chairman

On motion of Mr Scott the report was adopted

On motion of Mr Scott, the house adjourned until to morrow morning 9 O'clock

J. T. Lowry
Chm H.R.

Hall of the House of Representatives
Washington Arkansas
Friday September 23rd 1864

House met pursuant to adjournment

Mr H. H. Brown, Member elect from Sevier County, being present came forward, took the oath of office before Chief Justice English and entered upon the discharge of his duties.

The Roll was Called, and the following members were present, and answered to their Names. Viz Mess Barnes, Brown, Byrne, Byrd, Cornall, Collins of Bradley, Collins of Drew, Connelly, Davis, Fletcher Furr, Gantt, Gardwin of Columbia, Gould, Harris, Haynes, Hawkins, Hunt, Lowry, Miller, Murph, McFadden, Neal, Phillips, Robins, Scott, Sissell, Stoddard, Teague, Wilcox, and Wilson - 34

The Chairman informed the House that there was no quorum present.

Mr Collins of Drew offered the following Resolution - J

Joint Preamble and Resolution.

Whereas the existence of a State of War has resulted in a very Considerable portion of the State of Arkansas, being overrun by the enemy, thereby rendering it impossible to get together in General Assembly two thirds of the members Composing that body -, Therefore be it resolved - That his Excellency the Governor, be, and is hereby requested to advise the members now brought together by his proclamation, what Course to adopt, together with his reasons for the Same, - and that a joint Committee be appointed to wait upon his Excellency and present the foregoing preamble and resolution.

And thereupon Mr Tucker of Ashley offered the following as a substitute for the orginal Resolution -

Whereas, by the existence of War between the United States of America and the Confederate States, a considerable portion of the State of Arkansas is now in the possession of the Yankee Army, and Members of the General Assembly from those Counties, occupied by the Federal Army are necessarily prevented from attending this meeting of the Legislature of the State, and there is no means of compelling their attendance.

Be it therefore resolved that we apply to the Hon. the Supreme Court of the State of Arkansas, to know, whether it would be competent for this house to Legislate with less than fifty one members, and, if so what number can proceed to Legislate.

On motion of Mr Connelly the Substitute was adopted. Mr Gould of Pike County, moved to amend, by adding after the word "Legislate," "And that a Committee of three members of this house be appointed to wait upon the Supreme Court and request their opinion."

And on motion of Mr Gould the amendment was adopted.

On Motion of Mr Connelly the Substitute as amended was read and adopted.

And the Chair appointed as such Committee Messr Fuller, Connelly and Gould.

Mr Fuller, Chairman of the Committee appointed to wait upon the Supreme Court and request their opinion reported the following Report.

Mr Chairman:--

Your Committee to whom was referred Certain Resolutions requesting the opinion of the Supreme Court of the State touching the expediency of Legislating in the present Condition of the General Assembly of the State, beg leave to Report; That they have attended to the duties required in the premises, and were informed by that Hon. body that their opinion would be given through the Attorney General to morrow morning at 10 O'clock

Fuller Chairman

On motion of Mr ~~Collins~~ Byrne the report was received and the Committee discharged.

On motion of Mr Collins, the House adjourned until to morrow morning half past 9 O'clock

J H Lowry
Chairman

Hall of the House of Representatives
Washington Arkansas
Saturday Morning Sept 24. 1864

House met pursuant to adjournment.

The Roll being called the following members were present and answered to their names, viz:

Mr Brown, Byrne, Barnes, Byrd, Carnall, Cheatham, Collins of Bradley, Collins of Drew, Connelly, Davis, Fletcher, Fenn, Gantt, Goodman of Columbia, Good, Harris, Haynes, Hawkins, Hunt, Jones of Hot Spring, Miller, Murph, McFadden, Neal, Oliver, Philips, Robins, Scott, Sissel, Stoddard, Teague, Tucker, Wilcoxen, Williams of Jefferson, Wilson, Young. 36-

On Motion of Mr Byrne, a rule was fixed and delivered to the Sergeant at Arms to compel the attendance of absent Members

Attorney General A. B. Williams appeared in the Hall of Representatives, and read the opinion of the Supreme Court, as follows, to wit:

"Washington Arkansas
24 September 1864.

To the Honorable
The Speaker of the House of Representatives
of the General Assembly of the State of Arkansas.

Sir:

The undersigned Judges of the Supreme Court of the State, have considered the question propounded to them by the Honorable, the House of Representatives, through the Committee appointed for that purpose, and respectfully submit the following opinion as the result of their deliberations upon the grave and important question submitted to them.

E. H. English
Albert Pike Judge

Opinion

The constitutional question on which our opinion is asked, is briefly this: Whether the Houses of the General Assembly can organize and proceed to the business of legislation in the present condition of the State, the Senate with less than Seventeen

members or the House of Representatives with less than fifty one?

The constitution fixes the number of Senators at not less than twenty five nor more than thirty five and that of Representatives at not less than Seventy six nor more than one hundred and provides as follows in regard to a quorum of each House.

"Two thirds of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members."

There are Seventy six members of the House, apportio= =ned among the different counties. Fifty one members are therefore required to constitute a quorum, if the repre= =sentation of all the counties are to be considered, under present circumstances, as members; a majority of whom, or twenty six, voting for a bill, it will pass the House.

The counties north of the Arkansas river, with three or more South of it, may be considered as within the lines of the Federal army, which also holds the Capital of the State. These counties send fifty two, out of the Seventy six members, to the House of Representatives.

Persons claiming to represent part of the Counties of the State some months since were in convention at Little Rock, under the protection of the enemy's arms, and promulgated what is claimed to be a new constitution for the State, and set on foot a government which claims to exercise the powers of Government of the State. A Legislature sitting under it, has enacted laws, which a person as Governor administers; and other persons, who submit to that Government, have attempted to obtain seats in the Congress of the United States as Senators and Representatives.

If those counties of the State over which the Federal power extends, are unrepresented in the two Legislature, it is impossible that there should be a quorum in the House or Senate: and, in point of fact, there are now present less than fifty representatives.

The language of the constitution in regard to what number shall constitute a quorum, is too plain and precise to admit of the application of any rule of Construction or interpretation. It is a Cardinal

principle in regard to all instruments, that where the language is plain and unambiguous, there is no room for construction.

We could not consent to add to this inflexible principle of law, the qualification, that to exclude construction and interpretation the language must not only be plain and unambiguous, but the condition of things must remain the same as at the time of making the instrument. The principles of law are eternal and immutable. The exigencies of necessity are only for the day. To-morrow, these disappear like the mist; but the principles remain like the stars.

The question does not seem to us to be one of construction. By the constitution, two-thirds of the members of the House must be present, to constitute a quorum. It is for us to enquire, only, who, in law and fact are members of the House; or, in other words, what Counties are or are not entitled to be represented in the Legislature. We do not see how any construction could avoid the positive provision, that two-thirds of the members must be present. The word "House," as used in the clause in question, is equivalent to the phrase "Members of the House".

And this question really is, whether this provision of the constitution aiding him, the public enemy can, by conquering and holding part of the State, killing and incarcerating, or otherwise preventing the attendance of part of the Members of the House, and preventing the legal holding of elections to fill vacancies, forbid those, less than two-thirds in number, who do attend, from organizing as a House?

In other words, whether a nation with which the State is at war, can thus, by conquest and occupation of part of the Counties of the State, stop the wheels of the State Government, by annihilating its Legislative Department; in the absence of which, no appropriations can be made for the public service and paralyses of the Executive and Judiciary Departments must therefore shortly follow?

It is a question of the life or death of the legal Government of the State and, as the State exists only through its organisms, of the State itself.

For, unless legal provisions can be made, by means of which, the citizens in the Confederate Military service can vote elsewhere than in their Counties, it will not be possible

to obtain a quorum of members at the regular session.

The same question would arise; if part of the counties were in armed rebellion, there being no foreign war; or if they had united to form a new and seperate State Government, as has been done in Western Virginia.

If the infallible instincts of reason and justice, without waiting for the process of logic or arguments, tell us that it is impossible that the public enemy can so paralyze the departments of the State, and prevent her from uttering her will as law, and by law providing for her safety and defence; can make inevitable the speedy reduction to inactivity and impotence of the Executive and Judiciary; can compel the reluctant and protesting State to disband her troops; can prevent the election by her of Senators to represent her in the Confederate Congress; can, in effect, thus strangle the State; and, if, therefore, in the frailty of human nature, a court should first attain its conclusions, and then seek for reasons to sustain them, there must needs be reasons, just and sufficient, in that sound reason of which law is in large measure the utterances.

If the enemy were to conquer and possess three-fourths or nine-tenths of the State, the armies of the State or Confederacy holding the residue, and the Civil Government still in action and war still waged for the reconquest of the conquered portion, no one could deny the right of the One-fourth or the one-tenth to carry on a government and legislate for itself; or that, if it reconquered the rest, that legislation would be held to have all the time applied to the County temporarily held by the enemy; and therefore, with equal and unerring certainty it must be true, that those conquered Counties have the right, if they choose to exercise it, to be represented in the Legislature, because its enactments may be obligatory on them; no law as yet denying them that right.

The acres of the State and its Counties are so much land, are not the State. It is the people that are the State; and therefore, again, though a County may be held by the enemy's arms, and its people expelled, they continue a part of the State, and are entitled to be represented, as if they were not exiled.

So long, therefore, as the people of the Counties still unsubdued, adhere to the Constitutional Compact, and hold the field with an army, they and those in arms with them, and those at home elsewhere in the State who adhere to their adverse fortunes, continue to be in law the State. Rome was

no less Rome, when the Gauls ravaged the city, and plucked its Senators by the beard, when Hannibal, after Cannae, menaced the Capital, the Senate sold, as part of Rome's possessions, the battle-ground on which the Carthaginian Army had conquered, and where it was still encamped.

In the present case, it is not doubtful that the State subsists, and that it is her legislators who now inquire whether they are entitled to utter her great thoughts and express her will as law. For the enemy does not hold half the surface of the State. Her armies and those of the Confederacy dispute possession with him of that which he has conquered. Over it everywhere her horsemen ride, and on it her hosts encamp. More than nineteen-twentieths of the people, even of the conquered counties, in her armies or at home, are loyal and adhere to her fortunes.

In our opinion, nothing requires that the State should adopt a new constitution, or amend that which is now the law and rule of her action; whether she can or cannot assemble fifty-one members of the House of Representatives. It is the Constitution and the organisms provided for by it, we repeat, that make her a State, creating unity of being and action out of the many of her citizens. If there could be no more Legislature, there would be no State.

If but five Counties remained unsubdued, the Constitution as it is would continue theirs, if it pleased them to maintain it and be governed by it unimpaired. Much more so, is it still the constitution of the State, for so much as remains unconquered and the loyal people of the conquered portions. No change need be made by construction or otherwise, in any of its provisions; as little in that which makes three-fourths of the Members of each House necessary to constitute a quorum, as in any other. Indeed, unless by means of a Convention provided for by legislative act, or by direct action of two successive legislatures, no change can be made in it: and therefore, if there can be no Legislature without a change, there can be no change because there can be no Legislature.

As by no construction can less than two-thirds of the Members of the House be a quorum, the whole inquiry must be, who, under the actual circumstances, are in law and fact "the Members" of the House.

If the war were now to end, the enemy would, in the absence of any treaty stipulations to the contrary, continue to hold

the country they now possess, as an integral part of their territory, by the right of conquest, which, during the war creates an inchoate title, ripened into an absolute one at the end of the war, if there be not restoration.

That title would relate to the date of the Conquest. Laws enacted by the enemy for the government of such country, in the meanwhile, would not need to be re-enacted, on the title becoming perfect.

On the other hand, if the State should reconquer by arms or re-gain at peace, the country in question, all laws of a general nature in terms applying to the whole State, enacted by lawful legislature, while the State was dispossessed, would be deemed to have been all the time in force there; in other words, that country would be deemed to have been all the time a part of the State. All acts of the enemy contrary to the laws of the State, all confiscations and forced sales of property for taxes or otherwise, by the hostile authority, and all titles held under such sales, would be held null and void.

During the hostile occupancy of a portion of the State, the title and the possession are seperated. There is a disseizin, which may or may not ripen into a title. If it does, it will be held to have accrued at the date of the disseizin. The State, meanwhile, does not relinquish her sovereignty over so much of her territory; but she must perforce admit the fact of adverse possession — that is, of temporary actual severance from the domain of the State. To her and all her departments, so much of her territory is for the time under another government de facto.

If the people of any one or more Counties in the possession of the enemy, electing to adhere to the enemy, or to the fraudulent government set up at Little Rock, should refuse to be longer represented in the legitimate Legislature, it would undoubtedly be competent for that body to declare such a County or Counties to have ceased de facto to belong to the State, and to be no longer entitled to representation. Treason would not claim, if it desired, to sit in Council with Loyalty. Nor would the State, in so disfranchising such disloyal counties, relinquish its sovereignty over them, or its claim to their allegiance. It would not admit that they were no longer a part of the State de jure.

That decision or declaration would not be the enactment of a law, but the declaration of a fact. It would declare, not that the people of those Counties should be no longer entitled to be represented, but that they had, by their adherence to the public enemy, disqualified and disenabled themselves to be so. The fact therefore, would exist in the absence of any decision or declaration.

These Counties being no longer entitled to representation the number of members in each house would be to that extent lessened.

When members present themselves, duly elected in Counties held by the enemy, their Counties may be reasonably to be still loyal, though oppressed; to have elected to adhere to the legitimate government, to claim its protection, and to owe allegiance to the State. There is no law that refuses representation to a conquered county, merely because it is conquered, its people continuing loyal.

But if such Counties do not choose to be present by their Senators and Representatives, or if they cannot, they are, for all present practical purposes, as much severed de facto from the State, as if sunken by an earthquake or depopulated by pestilence. Prima facie they are so severed by conquest. A people cannot be under two governments de facto at once. It may well be under one de facto and another de jure; that is, profession by the sovereign may be lost for the time, and severed from the title. Presenting themselves by their representatives to claim to participate in the Legislation of the State, they protest against the severance, and rebut the presumption that they yield a willing obedience to the hostile government.

Therefore, when no members from a County present themselves, it will be held that, that County has elected to adhere to the Conqueror, or to the usurping but de facto government, and so to have temporarily ceased to be de facto, a part of the State, by duress or its own volition. There can in the nature of things be no better, if indeed any other evidence of its condition. The Conquered Counties will properly be deemed entitled to the number of members who present themselves to represent them, and to no more. There may justly be deemed all the "members" from these Counties. They either voluntarily elect to send no more; or are prevented by force. In either case they have and send no other members.

Still, the State does not surrender her sovereignty over them. She could retain that, and exclude all the members from Conquered Counties, if she chose to do so. If none of her troops came from those Counties, no one could say that the exclusion was unjust or without precedent. She receives all who present themselves, known to be

loyal, and is under no obligation to admit that they are entitled to move. She submits to the exigencies of Force and necessity,—the question of her rights depending on the solution to be given by subsequent events. If she reconquers the Conquered Counties, they will all the time have been part of the State. If she does not, they will have been completely severed from her when first Conquered.

There is nothing singular or exceptionable in this doctrine of relation. The title of a mortgagee, under foreclosure, relates to the date of his mortgage. and in the ordinary case of prescription, as where, for example, ten years adverse possession will repel the claim of the owner of the land; though if the owner reclaim the land before the expiration of the ten years, he will be deemed never to have been out of possession; yet when the ten years elapse, the title of the adverse possessor will be deemed to have commenced when he took possession, even if that was by a trespass and disseizin, and by the Civil Law, when land was partitioned between joint owners, each was deemed to have owned the share apportioned to him, by seperate title, from the begining; though they might have held the whole in common for years.

The United States deny the right of the Confederate States to secede from the Union, seek to force them back into it by arms, and claim that they are in rebellion,—that is, are still, in law, a part of the United States. Yet they will not count these States as of their Union in determining whether a quorum is present in their Senate or House of Representatives, nor in ascertaining whether any one, and who, is elected President by the Electors.

They are right. They do not thereby admit that the Southern States are legally out of the Union or no longer States: but they proceed on the same plain principle, that, de facto, these States are severed from the Union; although, if they chose to subjugate them, they will hold that their laws have been all the time in force here, and that those of the Confederacy are and always were mere nullities in law. They claim the undiminished Sovereignty, but admit the severed possession. A Country at War with us cannot be represented in our Councils; nor a County in flagrant rebellion; nor, perhaps strictly *jure*, could a County Conquered by the enemy; because what is Conquered is incorporated into the nation that Conquers, and its rights as a part of the Country to which it formerly belonged are so suspended, that they can no longer be exercised.

In Norton vs Pickham, in the Supreme Court of Louisiana, May 1863. Merrick, Ch. J. said:

"It will be observed that the article" (of the Constitution) "does not say a majority of the members of the State at large, but a majority of the members of each House, shall constitute a quorum, so it must be construed, when we have ascertained who are or who are not members of each House"

"The members of the House detained or remaining in that portion of Louisiana which is held by the enemy, and over which they are exercising the powers of Conquerors, to the absolute exclusion of our own government and the detention of our Senators and Representatives, cannot be considered as a part of the State in all respects entitled to be represented in the Senate and House of Representatives; because that portion of the State has been cut off from the residue by a foreign power with whom we are at war; and it can, by the law of nations, only become ours again by a re-conquest or by treaty. We have only an imperfect right left us, a hope of recovering the lost territory by arms or treaty. If we fail in this, the right of the enemy at the conclusion of the war becomes perfect. As representation has become impossible as it respects all members within the enemy's lines, and as lex non cogit ad impossibile, the twenty six seats in the House of Representatives had, at the time the law in question was enacted, been vacated and removed, and were no longer entitled to be counted in considering the question of a quorum"....

.... "So far as the ten members from the district within the enemy's lines are concerned, so long as they remain in that portion of the State where the writs of the House of Representatives can reach them, they are entitled to and can be compelled to attend the sessions of the House as members, and are properly counted in determining the question of quorum."

And Mr Justice Voorhees said: "If a part of the State be irretrievably lost by conquest (or even by secession or revolution, as happened in the case of Vermont from the State of New York) then the writ of the House could not reach the members of that portion of territory. Its ignorance would be an

empty formality on the part of the House; and it would be in such a case, absurd to hold that the representation of a people which has been thoroughly estranged and alienated from this State, should be considered in order to ascertain what constitutes a quorum in what is left of our government." And he also said, that even where the enemy had firm possession, and the people owed obedience to the conqueror, that obedience was not to be confounded with the allegiance due the State; but such of the people still owed their allegiance to the State as sovereign — a latent or passive allegiance, but one that the enemy himself is bound to recognise and respect.

We are therefore of opinion that the "Members of the House of Representatives" consist of all to which the counties not within the enemy's lines are entitled under the constitution, and to all who present themselves from counties held by him; and that therefore, two thirds of this aggregate is a quorum under the provisions of the Constitution

E. H. English
Albert Pike, judge

On motion of Mr Herr the opinion of the Supreme Court was spread upon the record.

Mr Collins of Drew moved to reconsider the vote just taken in regard to issuing a writ to compel the attendance of Members, motion lost.

Mr Neal, moved to have a special sergeant at arms, appointed by the Chair, to execute the writ issued to day to compel the attendance of absent Members — the Chair appointed Mr Giles L. McKnight

On motion of Mr Goodwin of Columbia Mr Goodwin of Union, was excused from further attendance on this Legislature on account of ill health of himself.

On motion of Mr Stoddard Mr Maloney of St Francis County, was excused from attendance on this Legislature on account of the ill health of his family.

Mr Connelly, announced the death of his colleague Mr Howell of Johnson County, and request that the name of Mr Howell be stricken from the roll of this House.

On motion of Mr Neal a committee of three was appointed by the Chair, consisting of Messrs Neal, Scott and Sissil, to ascertain and report to the House as soon as practicable the number of Members requisite to constitute a quorum of the House, under the decision of the Supreme Court.

Mr Neal from the Committee appointed to ascertain & report, what number of members is requisite to Constitute a quorum of the House, made the following Report

Mr Chairman

Your Committee appointed to ascertain and report, what number of members is necessary to Constitute a quorum under the decision of the Supreme Court, beg leave to submit the following

Report

That they find in that portion of the State overrun by the public enemy, and within the Federal Lines, that there are absent (39) thirty nine members and from that portion within our lines and Counties represented from within the Federal lines in this assembly (37) thirty seven members making in all seventy six members (75) of which under the decision of the Supreme Court will Constitute a quorum.

C. B. Neal, Chairman

On motion of Mr Tucker the report was received and adopted

On motion of Mr Collins of Drew the House proceeded to organize.

Mr Sissel moved that Mr Lowry of Chicot County, be declared Speaker of the House by acclamation, Mr Collins of Drew in the Chair the question being put, and there being some negative Votes, the Chair decided, that the motion was lost.

The Chair announced that nominations for Speaker were in order

Mr Scott nominated Mr Lowry of Chicot for Speaker of the House. There being no other nominations, the roll was called and resulted in the unanimous election of Mr Lowry, who was sworn by Judge English and took his seat.

The following communication was received from Mr Hatton, the Door Keeper of the House

To the Hon. House of Representatives of the State of Arkansas; Having been elected Assistant Secretary of the Senate, I hereby tender to you my resignation as Sergeant at arms.

F. B. Hatton

On motion Mr Hatton's resignation was received and accepted.

On motion of Mr Scott, Mr McKnight was continued as Door Keeper until one should be elected.

The Chair announced that nominations for Clerk of the House were in order; whereupon Mr Harris nominated Edmund Burgevin; Mr Phillips nominated R. W. Stevenson; and Mr Neal nominated J. A. Hutchins. The roll being called, those members who voted for J. A. Hutchins are Messrs Brown, Barnes, Collins of Drew, Gould, Hawkins, Jones of Hot Spring, Neal and Mr Speaker – Eight.

Those members voting for R. W. Stevenson are Messrs Byrd, Carnall, Cheatham and Phillips – Four.

Those members voting for Edmund Burgevin are Messrs Byrne, Collins of Bradley, Connelly, Fain, Fletcher, Fuss, Gantt, Goodwin of Columbia, Harris, Haynes, Hunt, Miller, Murph, McFadden, Oliver, Robins, Scott, Sifel, Stoddard, Teague, Tucker, Wilcoxen, Williams of Jefferson, and Wilson – Twenty Four. Whereupon Mr Burgevin was declared duly elected Clerk of the House of Representatives, was qualified and entered upon the discharge of his duties.

Mr Gould nominated J. A. Hutchins for Assistant Clerk of the House; there being no other nomination, the roll was called and Mr Hutchins was unanimously elected. was qualified and entered upon the discharge of his duties.

Mr Speaker announced that nominations for Enrolling Clerk were in order.

Mr Fletcher nominated Thos. H. Walker; there being no other nominations, the Roll was called, and Mr Walker was unanimously elected and qualified.

The Speaker announced that nominations were in order for Door Keeper.

Mr Cheatham nominated Giles L. McKnight there being no other nomination, Mr Speaker directed the Roll to be called.

Those members who voted for Giles L. McKnight are Messrs Brown, Barnes, Byrne, Byrd, Carnall, Cheatham, Collins of Bradley, Collins of Drew, Connelly, Fain, Fuss, Gantt, Goodwin of Columbia, Gould, Harris, Haynes, Hawkins, Hunt, Jones of Hot Spring, Miller, Murph, McFadden, Neal, Oliver, Phillips, Robins, Scott, Sifel, Stoddard, Teague, Tucker, Wilcoxen, Williams of Jefferson, Wilson and Mr Speaker 35

Mr Speaker announced that Giles L. McKnight having received a majority of all the votes cast he was

The following message was received from the Senate by the hand of Mr Hatton, Secretary: I am instructed to inform your Honorable Body that the Senate has organized by electing J. H. Hayles, President, Pro Tem; Geo. Clements, Sergeant at Arms; W. D. Holmes, Enrolling Clerk; and has proceeded to transact business. J. H. Hayles, President Pro Tem.

duly and legally elected Door Keeper of the House of Representatives for and during the term prescribed by law.

On motion of Mr Cheatham Mr B. Ward was declared Page of this House for the present session, which was agreed to.

Mr Scott offered the following Resolution which was read and adopted — Resolved, that the Clerk of the House inform the Senate, that the House of Representatives is now organized and ready to proceed to business.

The following Message was received from the Senate Mr Speaker

I am instructed to inform your House body that the Senate has appointed, Messrs. Trimble and Wallace, a Committee, to act with such Committee as may be appointed by the House of Representatives to wait upon his Excellency the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any Communications he may think proper to make.

S. H. Boyles. Secy.

Whereupon on Motion of Mr Scott, the House concurred in the Senate's Resolution, and appointed as a Committee on the part of the House Messrs Scott, Cannall and Gantt.

On motion of Mr Collins of Drew the House took a recess until ½ past 2 O'clock P. M.

Afternoon Session

The Special Sergeant at Arms appointed to execute the writ issued from this House for absent members made the following return on the writ.

I have executed the within writ by making diligent enquiry and search for the within absentees and have not been able to find either or any of them

G. L. McKnight
Special Sergeant at Arms.

On motion of Mr Scott, the return was received and adopted.

Mr Byrne, moved, that the rules of the House of Representatives of Arkansas for the Session of 1854-5. be adopted as the rules to govern this body for the present Session

Mr Neal offered the following as a substitute

Resolved, That a Committee of three be appointed to report rules for the government of this House at its present Session.

Which resolution was adopted and Messr Neal, Byrne, and Collins of Drew, were appointed as such Committee.

Mr Brown offered the following Resolution,

Resolved, That the Editor of the Washington Telegraph be respectfully invited to take a seat in the Hall, which resolution was read and adopted; and the Editor being present the invitation was extended by the Speaker.

Mr Scott, Chairman of the House Committee appointed to wait on the Governor, made the following report.

Mr Speaker

The joint Committee of the two Houses appointed to wait upon His Excellency the Governor and to inform him that the two Houses of the General Assembly are organized and ready to receive any Communication he may see proper to make, beg leave to report

That they have performed that duty and are instructed by the Governor to state that he will Communicate with them on to day at 4 O'clock P.M.

S. W. Scott, Chairman House Com.

On motion of Mr Hurst the report was adopted and the Committee discharged.

Mr Brown offered the following resolution

Resolved, That a Committee of three be appointed to confer with such Committee as may be appointed on the part of the Senate to take into Consideration the propriety of establishing a State Agency for the purchase and manufactory of Cotton and wool Cards and medicines for sale to such families of this State as are destitute of such articles, - with Instructions that they report a Bill for that purpose at as early a moment as practicable

Which on motion the Resolution was adopted

and the Speaker appointed on said Committee Messrs Brown, Haynes and Stoddard; on motion of Mr Haynes Mr Neal was added to the Committee, and on motion of Mr Hawkins, Mr Cheatham was added to same Committee

Mr Scott offered the following resolution Resolved, The Senate Concurring that the two Houses of the General Assembly, meet in Convention in the Hall of the House of Representatives on to day at 4 O'Clock P. M. to receive the Message of His Excellency the Governor

Which resolution was adopted and the Senate informed

Mr Neal introduced the following bill, entitled

H.B.1 "An act to provide for holding elections for Senators and Representatives from the over-run Districts and Counties of the State" Which was read the first time, and on motion of Mr Lessel, the rule was suspended and the bill was read a second time by title, and on his further motion referred to the Committee on the Judiciary

The following Message was received from the Senate.

Mr Speaker

I am instructed to inform your Honorable body that the Senate has Concurred in your resolution to meet in Convention in the Hall of the House of Representatives at 4 O'Clock to receive the Message of His Excellency the Governor

S. H. Bayless Secy.

On motion of Mr Williams of Jefferson Messrs Hawkins of Sevier and Byrne of Lafayette were added to the Judiciary Committee, on motion of Mr Hair Mr Miller of Polk was added to same Committee and on motion of Mr Carnall, Mr Scott was also added to the Judiciary Committee

On motion of Mr Collins of Drew County the House took a recess of 15 minutes, in order to prepare the Hall of the House for the reception of the Senate.

The House reassembled at 4 O'Clock and on motion of Mr Byrne, the Clerk was instructed to inform the Senate that the House

is ready for their reception, which was done.

The Senate appeared in the Hall of the House of Representatives preceded by their officers, the Roll of both Houses Called, and a quorum of both Houses being present The President of the Senate announced that a quorum of both Houses, were present and ready to receive the Message of the Governor.

Mr Vaughan, the Governors private Secretary appeared and read the Governors Message to the two Houses, which is in the words following, to wit;

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
Washington, Ark., Sept. 24, 1864.

To the Senate and House of Representatives of the State of Arkansas:

The aggressive war which has been waged against us for more than three years, has been conducted during the past year with the same great vigor which characterized it in its earliest progress. Our enemies have deliberately elected to ruin themselves in order to ruin us. They have sacrificed their citizens by the hundred thousand, and their means by the thousand millions, as well as every principle of constitutional liberty, in order to destroy a people who never injured them. They have abandoned the rules of civilized warfare, and conducted the war with torch and sword. They declare that there is nobody friendly to them in the South but the negro population, and that they must have the control of the South.

Several of our villages have been burned—unoffending men, who are noncombatants, have been murdered, for no other reason than the caprice of some Federal officer, or the dislike of some unprincipled men.

The war has thus been waged against men and women, soldiers and citizens. We should return our thanks to the Great Disposer of events, that so wicked and terrible a war has not resulted in our conquest.

In the summer of 1863, owing to the occupation of the capitol by the military forces of the United States, the seat of government was moved to this place.

Certain persons who were disloyal to the government, inaugurated a pretended State government last spring in this State. Soldiers and officers of the U. States government took part in it. Many loyal citizens who were within the Federal lines were compelled, by threats and otherwise, to take part in the elections.

The bill making appropriations for the relief of soldiers' families, contained a provision whereby payments might be suspended by the Executive. After it became impossible to distribute the funds over much the larger portion of the State, and it had become apparent that there was not funds to last for the two years, payments were suspended for any time after the 1st December, 1863. Had this not been done, that part of the State where there was least want, and where counties could have relieved families, would have received the bounty, and where there was most want, and where the counties could not act, the relief could not have been distributed.

During the summer of eighteen hundred and sixty-three, it was deemed expedient, in order to hasten the organization of troops, to call into the service a body of State troops. An agreement was made with Gen. Smith, whereby such troops were to be supplied by the Confederate States, and a call made. Almost immediately afterwards General Steel advanced into the State, and took the capitol, and a Federal force took possession of Fort Smith. Our troops fell back to Camden, thus losing control of a large portion of the State.

The State organizations were continued, however, and notwithstanding all the troops of South-east Arkansas as far west as Lafayette county, were mustered with their consent into the Confederate service, twelve companies were organized in the few counties in the extreme South-west. These companies have done most excellent service. During a large portion of the time they have been the only protection to this part of the State. They have from their organization performed the duties of pickets to the extreme front; and while not strong enough to resist a large force, they have been a great protection to the frontier counties.

Last spring, upon the advance South of Gen. Steel, two companies—Reed's and Dyer's—were placed in front of the enemy; and, by frequently firing into their advanced guard, caused them to move slowly and with caution. They also kept the Confederate officers accurately advised of the movements of the enemy. The balance of the command was placed at the crossing of the Missouri, and employed in making such blockades and examinations as should be desirable on the approach of the enemy.

It having become apparent that the enemy was moving towards Washington, the Confederate troops were placed in their front and rear; and the State troops, in order to have unity of command, were put under the command of Gen. Cabell, and remained with him until after the Jenkin's Ferry battle. They took part in the battles of Poison Spring and Marks' Mills, winning from every observer the most unqualified praise. Gens. Price and Cabell, in published orders, have commended their gallantry and daring in the most flattering terms.

At Marks' Mill Col. Pettus was mortally wounded. His loss is almost irreparable. So modest, that no one knew his merits except on considerable acquaintance. His efficiency in camp and on the field was very great. Capt. Dyer, a most excellent officer and scout, was sent to the enemy's rear by Gen. Marmaduke. He was killed on the expedition. Lieut. Gilliam, a good officer and citizen, was killed at Marks' Mill. Lieut. Ross, than whom there was none better, lost his life, on a scout, at the hands of his friends, by mistake.

Steps have been taken to turn over these troops to the Confederate States, which, it is supposed, will be completed in a short time.

The General Assembly, at its last session, made provision for a board to examine all the accounts of accounting and other officers of the State who had settlements to make. The evacuation of the seat of government caused the suspension of their labors. They proceeded far enough to show the necessity of their completing their labors when possible; not only to protect the interests of the State, but to ascertain and report upon such checks and guards as may protect the State from future loss. The examination should be so thorough as to set at rest all questions of finance between the State and her officers.

At the last session of your body, it was enacted that commissioners should be appointed as custodians of the books and papers of the several land offices; giving them salaries, and providing that the property of the offices should be removed in case of invasion. No appropriation, was made, however, to cover salaries, expenses, office rent, etc. These items have been met from the contingent fund of the Executive Department.

The appropriation for the contingent fund of the Treasurer's office was insufficient, and payments have been made on that account from the contingent fund of the Executive Department. Payment has also been made from the same fund to the commissioners created by the General Assembly to examine the acts, books and papers of the several officers of the State—no appropriation having been made for that purpose.

Your body, at its last session, saw proper to make provision by appropriation for aiding, by loans, persons who should engage in the manufacture of iron, salt and cotton cards. Under the law, loans have been made to several persons who desired to engage in the manufacture of salt. Although the supply has been limited, and prices high, I am not aware that there has been any time when salt could not be obtained within our lines at prices as low comparatively as other manufactured articles.

There has been no application for aid in the manufacture of either iron or cotton cards; the outlay has been, perhaps, too great for the probable contingent profits. The contingent fund placed at the disposal of the Executive was too small to effect such a purpose. The manufacture of cards was deemed of such importance, however, that inquiries were made, which resulted in the conclusion, that without imported wire an inferior article only could be made, and at a very high price. Trading with the enemy being prohibited by law, and Arkansas being so far in the interior as to prohibit all thought of obtaining wire from foreign countries.

Whether there should be further legislation upon this subject, is left to your judgment.

The laws now in force against the distillation of ardent spirits from grain have not been effectual in the suppression of the evil. One reason is, that courts are held irregularly and hastily, and in the unsettled state of the country, many of those who have violated the law, escape the infliction of the penalty. Witnesses are often absent and cannot be had. There are some distillers who prefer paying an occasional fine, to foregoing the immense profits of their trade.

Grain is now selling at enormous prices, and a large portion of our most deserving population are unable to pay them. Public policy is against permitting the supply to be diminished and the price augmented, in order to procure a supply of whisky. The employment is eminently demoralizing. The distiller's and dealer's profits make them reckless, and after being thus engaged, it is very rare that they are afterwards usefully employed for the country. The use of it by soldiers is the exciting cause of many, if not most, of the acts of violence which have occurred in the country.

It is recommended that provision be made, that the examining court, when the offender is brought before one, or the sheriff, when he arrests on indictment, shall require of the offenders a bond in a very large penalty, that he will not in any manner be interested or engaged in any future distillation from grain during the continuance of the war.

Your attention is also asked to the question whether provision may not be made within the Constitution for seizing of stills into the possession of the sheriff when the owners or users shall be charged by indictment or satisfactory evidence before an examing court of using them contrary to law. If such a law be constitutional, it would be the most effectual method of stopping this most pernicious business. However, on the discharge of defendant, by acquital or otherwise, the still should be returned; but on conviction, forfeited.

Owing to the larger portion of our State being in the occupation of the Federal army, it is doubtful whether elections can be held in one half of it; at least there is a large portion in which they cannot be full and free as elections ought always to be.

It is recommended to the Legislature, that they consider, in this connection:

1st. Ought not a law to be passed whereby persons in the provisional army of the Confederate States may vote in their commands, notwithstanding they may at the time be out of their election districts. Owing to our Constitution some doubt whether such a law would be valid; but if possible, it is but just that such a law should exist.

2. To make some provision for comparing returns and certifying elections, in the absence of the Clerk, or when the present law cannot be executed, for other purposes.

3d. To provide for a session of the Legislature when the regular session has not been held.

4th. To provide for elections where there have been none held at the time appointed by law.

5th. To make such appropriations as shall be necessary for the administration of the government until October, A. D. 1866.

The Executive is satisfied that the power now exists to call a session of the Legislature at any time, even in case the regular session has not been held, and also that offices may be filled under our Constitution in cases when vacant notwithstanding no election may have been held at the time appointed by law: but under circumstances of such importance, and so vitally affecting the welfare of the government, your body should make such provision as shall leave no room for doubt with any one.

The importance of having full, free and fair elections is so great that it is not proposed to hold elections where but a small portion of the people can take a part in them. We shall have need of government and must have elections long after this war shall have ceased; and it will be impossible to maintain respect either for elections or government, if the first be made into farces and the second rest upon such elections for support. One of the best evidences of our enemies' total want of respect or observance of the Constitution and laws, exists in their manner of conducting elections in this and other States during the last winter and spring. How many votes were deemed necessary to the election of members of the pretended Legislature of this State? We cannot know; but we do know that one-third of that body could not have had ten legal votes for each member. It is not surprising that that body received only contempt from those who got it together, and then used it for their personal purposes.

A statement of the funds used by the Military Board, made by the Secretary, accompanies this paper. It will be seen that the whole expenditures of the Military Board have been $1,691,609 33. Of which amount $1,548,525 76, was incurred before the 15th of November, 1862; and $143,083 58, was incurred between that date and the 1st day of September, 1864.

You will also observe that the sum of $90,663 94, is in the hands of agents unaccounted for. An effort was made early, in 1863, to get settlement and liquidation of all balances due the State; but this amount is unadjusted and much of it will no doubt be lost.

There is yet undrawn, up to this date, about 700,000 00, subject to the order of the Military Board. Of this amount, it is not likely that but a small part will ever be expended; but circumstances might occur which would render it expedient to expend a much larger sum, and it is submitted that an appropriation be made to meet such contingency.

The Penitentiary being in the possession of the Federal army, it is necessary to make some provision for the punishment of criminals who would have been confined in the Penitenttary under our laws, were it in our possession. No human sagacity can provide proper punishment for every crime which shall be committed. There are many cases of highway robbery, horse-stealing, robbing in dwelling houses, and possibly other crimes which might be punished with death. In other cases there are circumstances which modify the crime.

It is suggested that in the cases referred to, the defendant shall be punished by hanging, or by stripes and the pillory as the jury shall find in their verdict, and that the Judges of the Circuit Court shall have power to substitute punishment by whipping and the pillory in case the jury shall find a verdict fixing hanging as the penalty.

In all other cases where the law heretofore punished by confinement in the Penitentiary, the jury might fix the punishment by whipping and sitting in the pillory, or either giving power to the Circuit Court to remit such portion of the punishment as it shall deem just.

The Congress of the Confederate States have passed an act to facilitate the operations of commissioners to be appointed by the States, for the purpose of ascertain the condition of the troops from each State.

The Hon. Uriah M. Rose was appointed on the part of this State, with instructions to gather every important fact connected with the Arkansas troops.

It is supposed the result of his labors will be to place in a permanent form the facts necessary to do justice to Arkansas, and her sons, during the war; as well as to enable the deceased soldiers of this State to receive their dues from the Government.

The report of the Adjutant General is returned herewith. It will be found to contain much matter of interest to your body and the people.

With sentiments of high consideration, I am your obedient servant,

H. FLANAGIN.

The President of the Senate announced that the object of the Convention had been accomplished and the Senate retired.

On motion of Mr Scott, that portion of the Governors Message relating to the Revised Criminal Code be referred to the Judiciary Committee

On motion of Mr Gould that portion of the Governors Message relating to Expenditures be referred to the Committee on Ways and Means.

On motion of Mr Barnes that portion of the Governors Message relating to an appropriation for aiding by loans persons who should engage in the manufacture of Iron, Salt and Cotton Cards, passed at the last Session of the General Assembly, be referred to the Special Committee appointed to day - on motions the following members were added to said Special Committee Messrs Payne, Fuller, Fain and Gould.

On motion of Mr Williams of Jefferson that portion of the Governors Message which relates to elections be referred to the Judiciary Committee

On motion of Mr Scott that portion of the Governors Message which relates to a bill making appropriations for the relief of Soldiers Families, passed at a previous Session of the General Assembly be referred to a Special Committee of three, which motion was adopted, and the Speaker appointed Messrs Scott, Hurn and Barns, as such Committee.

On motion of Mr Neal, a Committee of three was appointed consisting of Messrs Neal, Robins and Wilcoxen, to select certain portions of the Governors Message to be printed for the use of the House, and on his further motion Mr Scott was added to said Committee and made Chairman thereof

Mr Speaker, appointed Mr Neal Chairman of the Judiciary Committee

On motion of Mr Scott the House adjourned until Monday Morning 9 O'Clock

J. H. Lowry
Speaker

Hall of the House of Representatives
Monday Morning
September 26th 1864

House met pursuant to adjournment.

Roll called when the following members answered to their names. viz;

Messrs Brown, Byrne, Barnes, Byrd, Carnall Cheatham, Collins of Bradley, Collins of Drew, Connelly, Fain, Fletcher, Furr, Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harding, Harris, Haynes, Hawkins, Hurt, Jones of Hot Spring Miller, Murph, McFadden, Neal, Oliver, Phillips, Robins, Scott, Sipes, Stoddard, Teague, Tucker, Wilcoxen, Williams of Jefferson, Wilson and Mr Speaker. (38) Thirty Eight.

Journal of the House of the proceedings on Saturday read. During the reading whereof, on motion, the reading of the Opinion of the Supreme Court spread upon the Journal was dispensed with. The journal approved and signed by the Speaker. The reading of the Governor's Message was also, upon motion, dispensed with.

Mr Speaker announced to the House that a communication had been received from the Secretary of State and ordered it to be read, which communication was in the following words, to wit;

Office of the Secretary of State
Washington, Arkansas.
September 26th 1864

Hon. J. F. Lowry
Speaker of the House of Representatives.

Sir; I, Oliver H. Oates, Secretary of State of the State of Arkansas, do hereby certify that from the abstract of the returns of a special election held in Monroe County on the 5th inst, now on file in my office, Wm S. Whitley was elected to the Office of Representative from said County to fill the vacancy caused by the death of the Hon. Wm H. Thweatt.

Oliver H. Oates, Sec. of State.

Mr Whitley being present came forward and was qualified by Chief Justice English, and entered upon the discharge of his duties

Mr Scott Chairman of the Special Committee to select certain portions of the Governors Message to have printed made the following Report

Mr Speaker

The Special Committee appointed to digest the Governors Message, and to select such portions thereof, as will come up for the consideration of the House, and have the same printed for the use of the House, upon enquiry of the Public Printer ascertained that the entire Message could be printed in time for Monday morning; and thinking this would be best under the circumstances, and took the responsibility of having the same done in exclusion to the Special duty of the Committee.

On motion of Mr Collins of Drew the report was adopted and the Committee discharged

On motion of Mr Byrd, Mr Lisle was added to the Committee on Enrollments and made Chairman thereof.

Mr Hair offered the following resolution Resolved, That the Secretary of the State be requested to furnish each Member of this House with a copy of the Statutes of this State; and if a copy for each Member cannot be procured, as many as can be, with convenience for the use of the Members.

~~On~~ Mr Oliver offered to amend by inserting Ordinances of the Convention, and acts of the Legislature, which was agreed to, and the resolution as amended was adopted.

Mr Neal offered the following report.

Mr Speaker

Your Committee on rules have had the same under consideration and beg leave to make the following Report.

That they have a printed copy of the rules and orders for the government of the House of Representatives for the year 1854 which they have amended by striking out Rule 23 on page 4 and rule 32 on page 5 and recommend the

adoption of the same, as amended for the Government of this House during its present Session, which rules are herewith presented - On motion of Mr Gonce the rules were read as amended for the information of the House

On motion of Mr Tucker the report was adopted

The following Message was received from the Senate

Mr Speaker

I am instructed to inform your Honorable body that the Senate has concurred in your resolution to take into consideration the propriety of Establishing a State agency for the purchase and Manufacture of Cotton Cards and appointed as Committee on the part of the Senate Mess Embry, Wallace and Williams

S. H. Baylett, Sec of Senate

Mr Williams of Jefferson offered the following resolution.

Resolved, That the Honorable William H Sutton be and is hereby requested to address the House on the questions involved in the present Controversy and the Condition and prospects of the Confederate States in the Representative Hall, to morrow evening at ½ past 7 O'Clock -

Mr Neal, proposed to amend by inserting to night, which amendment was agreed to, and resolution as amended adopted

The following Joint Resolution was offered by Mr Hain

Resolved, That the Senate and House of Representatives, meet in the Representative Hall on Thursday 29. Inst. at eleven O'clock for the purpose of electing a Confederate Senator to fill the unexpired term of the Hon C. B. Mitchell, deceased -

Mr Neal moves to amend by inserting Wednesday the amendment, accepted by mover.

Mr Scott, moves to amend by inserting Tuesday evening 4 O'Clock, which latter amendment was agreed to, and On motion of Mr Scott, the resolution as amended was adopted

The Secretary of State made the following report

Office of the Secretary of State
Washington Arkansas
Sept 26. 1864

Hon L. F. Lowry
Speaker of the House of Reps. Sir. In response to the

Resolution of the House of this date, I have to state that it is impossible to furnish every member with a copy of the Statutes from the fact, that I have not that number now in my office at this place, What I have however I have delivered to the Clerk of the House for the use of the members.

Mr Cannall offered the following

Moved that the door Keeper be instructed to procure fire wood and lights for the use of the House. Which on motion, was adopted.

Mr Brown offered the following resolution

Resolved, That the House now go into the election for a chaplain -

On motion of Mr Byrne the resolution was adopted,

Whereupon Mr Brown, nominated Dr Samuel Williams, and there being no other nomination the Revd Mr Williams was declared duly and legally elected.

On motion of Mr Scott, Mr Brown was appointed a Special Committee of one to notify Mr Williams of his election, adopted.

The following resolution was offered by Mr Sissel.

That a Committee of five be appointed by the Chair, whose duty it shall be to devise means, to supply with Salt, the families of Soldiers who are now in, or who may have died in the Confederate Service, in the Counties, that have been and now are occupied by the Public Enemy, and that they be requested to report by bill or otherwise as early as possible

On motion of Mr Hunt the resolution was adopted, and the Speaker, appointed as such Committee Messrs Sissel, Byrd, Phillips, Hunt and Goodwin of Union

Mr Cannall offered the bill to be entitled

H.B.2. "An act to authorize Citizens of this State absent from their Counties to vote for members of the State Legislature and for other purposes", bill read first time, on motion of Mr. Neal, the rules were suspended, and the bill read a Second Time by title, and on motion of Mr Tucker referred to the Committee on the Judiciary.

The following Message was received from the Senate.
Mr Speaker

I am instructed to inform your Honorable body that the Senate has Concurred in House joint Resolution to go into the election of Confederate States Senator, on Tuesday evening at 4 O'Clock S. H. Baylep. Sec. of Senate.

Mr Byrne offered a bill to be entitled, An act to pro-
H. B. 3. - vide for the election of County, State, and Confederate States officers of Civil government, for those Counties or districts held by the enemy, which bill was read first time - on motion Mr Hunt, bill ~~read 2d time~~ suspended and bill read 2d time by title, and on motion of Mr Dillard referred to the Committee on the judiciary.

Mr Gonzed offered the following Resolution Resolved, That the Hon'l A. H. Garland and A. Pike, be and are hereby requested to address the House on the questions involved in the present Controversy and the Condition and prospects of the Confederate States in the Representative Hall this evening at half 7 O'Clock

Mr Williams of Jefferson moved to lay the resolution on the table, motion lost.

Mr Byrne, offered the following amendment by inserting 4 O'Clock this evening in lieu of half 7 O'Clock, and that the invitation be extended to any other Candidate for Senatorial Honors. Mr Gonzed accepts the amendment - and on motion the Resolution as amended was adopted.

Mr Byrne offered a bill entitled An
H. B. 4 act to exempt Certain persons and their property from taxation - bill read first time - and on motion of Mr Connell the rules were suspended and the bill read a second time - and on motion of Mr Scott the bill was referred to the Judiciary Committee

On motion of Mr Scott the House went into Secret Session.

And after transacting some business, on motion of Mr Scott, the Secret Session was dissolved, and house went into open Session

On Motion of Mr Collins of Drew House adjourned until to morrow morning 9 O'Clock

J. F. Long
Speaker.

Hall of the House of Representatives
Washington Arkansas
Tuesday Morning Sept 27. 1864

House met pursuant to adjournment

Prayer by the Rev Mr Samuel Williamson.

Roll was then called, and the following members being present, answered to their names. Viz: Thos Brown Barnes, Byrne, Byrd, Berry of Franklin, Collins of Bradley, Collins of Drew, Cheatham, Cornall, Connelly, Fain, Fletcher, Furr, Gantt, Goodwin of Columbia, Goodwin of Union Gould, Harris, Haynes, Hunt, Harding, Hawkins, Jones of Hot Spring, Miller, McFadden, Murph, Neal, Oliver Phillips, Robins, Scott, Sissel, Stoddard, Teague, Tucker, Wilcox, Williams of Jefferson, Wilson, Whitley Mr Speaker 40

Journal read, amended and adopted.

Mr Speaker, announced that the order of the day would be taken up,

Mr Neal, Chairman of the Judiciary Committee made the following report

Mr Speaker.

Your Judiciary Committee to whom was referred House Bill No 4 have had the same under Consideration and have agreed upon a Substitute, which they have present and recommend its passage

Sub. H.B.4

Bill read first time Neal Chairman

Mr Furr moved to adopt the report of the Committee which was adopted, on motion of Mr Collins of Drew the rules were suspended and the bill read 2d time by title. On motion of Mr Harding the rules were further suspended, and the bill read a 3d time by title, and on motion of Mr Gould the bill was passed.

Mr Sissel from the Committee on Enrollments made the following report

Mr Speaker

The Committee on Enrollments have compared House bill No 5 and find the same correctly enrolled

Sissel, Chairman

Mr Hawkins, offered the following resolution.

Whereas since the last session of this House it has pleased the All wise Ruler of the World to remove by violent death from this Scene of Earthly activity and effort, the two most worthy Representatives

from the County of Lenoir, Col Allen J. Pettus and Dr George Pettigrew, and whereas now mourning them from their accustomed places, we are much more sensibly aware of the loss which has been sustained by the State; and Whereas we deem it appropriate to make some public manifestation of our high estimation of their public character and private Virtues, the record of which may descend to their families: Be it therefore resolved

1st That we cherish the memory of Col Allen J. Pettus as a true patriot whose heart and mind were constantly occupied with the interests of his Constituents; and a gallant Soldier of the State, and of the Confederacy, devoted to the Cause of our beloved South, which devotion was manifested from the earliest period of the War, by offering his life in her behalf, which sacrifice after years of service in the field; and at home, was consummated on the glorious battle field of Mark's Mill on the 24 day of April 1864.

2nd That we also cherish the memory of Dr George Pettigrew as a no less devoted patriot, whose time was freely given in his double character of Representative and Physician to promote the best interests of his Country in public affairs and to relieve the distresses of the people at home until in the midst of a career of usefulness he was suddenly cut off by the hand of a vile and secret assassin on the 9 day of February 1864.

3rd That both these gentlemen were eminently distinguished amongst all who knew them for their private and domestic Virtues, and by their daily walk and Conversation reflected high honor upon the Constituency who they represented.

4th That we sympathise with their bereaved families and friends, and order these resolutions to be spread upon the journal of this House — and that the Clerk be directed to furnish a copy of the same to each of the widows and families of the late Col Allen J. Pettus and Dr George Pettigrew, as an expression of our deep and heart felt sorrow in their bereavement and affliction

Mr Brown made a few appropriate remarks on the resolution after which, on Motion of Mr Gorrell the Resolutions were adopted by acclamation.

Mr Neal offered the following resolution.
Resolved, That each Member of this House be furnished with two Copies of each number of the "Washington Telegraph", which may Contain the proceedings of the Legislature, Public Documents, Acts &c of this General Assembly

On Motion of Mr Byrne the resolution was adopted

Mr Byrd offered the following bill to be entitled, An act to increase the pay of State officials, Members of the Legislature, Clerks in the different State Departments, and also to increase the pay of the Clerks of the House of Representatives and of the Senate.
Which was read the first time, and on Motion of Mr Neal the rules were Suspended, and the bill read a Second time by title, and on his further motion the Bill was referred to the Committee on Ways & Means.

On Motion of Mr Carnall, Mr Byrne was added to the Committee on Ways & Means.

Mr Neal offered the following bill, entitled An act to pay the Deputy Secretary of State a stated Salary, the Bill read first time - and on Motion of Mr Byrne, the rules were Suspended, and the bill read 2 time by title - and on motion of Mr Neal the Bill was referred to the Committee on Ways & Means

Mr Garrett offered the following bill, entitled An act for the relief of a Person of this State which was read first time, and on Motion of Mr Harding the rules were Suspended, and bill read a Second time, and on Motion of Mr Gowen the bill was referred to the Judiciary Committee.

Mr Williams of Jefferson offered the following bill entitled "An act to increase the Salaries of Certain officers in this State as well as the per diem, pay of Members of the General Assembly" read 1st time on motion of Mr Hawkins the rules were Suspended and bill read 2d time by title, and on motion of Mr Tucker, the bill was referred to the Committee on Ways and Means.

Mr Harding offered the following bill entitled, An act to repeal Sections 20, 21, and 22 of Gould's digest of the State of Arkansas" read the 1st time, and on motion of Mr Olmsi, rules were suspended bill read a 2d time by title, and on his further motion referred to the Committee on the Judiciary

Mr Carnall offered the following bill, entitled "An act to establish Soldier's Homes in the State of Arkansas" read the first time, and on motion of Mr Scott the rules were suspended and the bill read a second time.

Mr Byrne proposed to amend by adding the town of Lewisville in the County of Lafayette. Mr Neal moved to adopt the amendment, and after some discussion thereon, Mr Byrne by consent withdrew his amendment.

Mr Brown, moved to amend by striking out the word specie and insert in lieu thereof the words Treasury Warrants.

Mr Oliver moved to adopt the amendment Mr Byrd moved to amend the amendment by striking out the words $800 in specie and inserting in lieu thereof $1600 in Arkansas Treasury Warrants, Mr Brown accepts the amendment and the amendment as amended was adopted. and on motion of Mr Collins of Drew, the Bill was referred to the Committee on Ways & Means

On motion of Mr Gould, the House took a recess until 3 O'Clock P. M.

3 O'Clock P. M.

Mr Scott, Chairman of the Special Committee made the following report

Mr Speaker.

The Special Committee to whom was committed that portion of the Governor's Message relating to fund appropriated for relief of needy and destitute families have instructed me to report the following bill.

D. M. Scott Chairman
Special Committee

A Bill to be entitled, An act amendatory of the act passed at the last Session of the General Assembly, entitled an act to provide for the relief of needy and destitute families of Soldiers of this State, approved December 1st 1862 and for other purposes. bill read 1st time and on motion of Mr Hurr, report adopted, Rules suspended and bill read 2nd time.

Mr Lisle offered the following amendment. Sec 6 Be it further enacted that nothing in this act shall be so Construed as to prejudice the Claims of indigent families in Counties now overrun by the Public enemy and which may hereafter be reconquered

by our arms or accrue to us by Voluntary evacuation of our Territory", which amendment was adopted

Mr Perry offered the following amendment amend by saying, That each County be permitted to expend its pro rata amount of said appropriation amendment adopted

On motion of Mr Scott, the Bill was referred to the Committee on Ways and Means, and Committee instructed to report by 10 O'clock to morrow morning and that the bill be made the special order of the day for 10 O'clock to morrow morning

Mr Miller offered the following Bill, An act making appropriations to carry into effect an act entitled an act "for the relief of Pensioners in the State of Arkansas, bill read first time, and on motion Mr Hain the rules were suspended and the bill read 2d time, and on his further motion the bill was referred to the Committee on Ways and means

Mr Willson offered the following bill, a Bill to be entitled an act for the relief of Capt John Conley of Yell County Arkansas, bill read 1st time and on motion of Mr Harding the rules were suspended and bill read 2d time by title, and on his further motion referred to the Committee on ways and means

Mr Cannall, Chairman of the Committee on ways and means, made the following report

Mr Speaker, The Committee to whom was referred a Bill entitled "An act to increase the pay of State officials, members of the Legislature, Clerks in the State Departments and of the Clerks of the House of Representatives and Senate have instructed me to report the bill back and recommend that it do not pass

Cannall Chairman

On motion of Mr Oliver the report was adopted and the bill rejected.

Mr Cannall, Chairman of the Committee on Ways and Means made the following report

Mr Speaker

The Committee to whom was referred a Bill entitled, An act to increase the ~~pay of State officials~~ ~~members~~ salaries of certain officers in this State as well as the pay of members of the General Assembly

have had the same under consideration and instructed me to report a substitute for the same, which is herewith enclosed for the action of the House

(Substitute Bill) Carnall, Chairman

A Bill to be entitled an act to increase the salaries of the Judges of the Supreme Court

Sec 1 Be it enacted by the General Assembly of the State of Arkansas, That the salaries of the judges of the Supreme Court is hereby increased to four thousand dollars per annum after the passage of this act

On motion of Mr Byrd the report and substitute bill was rejected

On motion of Mr Gould the original Bill is referred to the Committee of the whole House and made the order of the day for to morrow 2 O'clock P. M.

Mr Carnall Chairman from the Committee on Ways and means, made the following report Mr Speaker—

The Committee to whom was referred a Bill entitled "An act to establish Soldiers Homes in the State of Arkansas, have had the same under consideration and instructed me to report the following amendments thereto, amend amendment by striking out $1800 and inserting $5000 and amend the original Bill 1st section by striking out $2000 and inserting $5000 and with this amendment the Committee recommend the passage of said Bill

Carnall, Chairman

Mr Miller moved to lay the report and Bill on the table upon which Mr Carnall called for the yeas and nays, which being sustained, were ordered

Yeas, Mess Brown, Connelly, Hair, [illegible], Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harris, Haynes, Hunt, Hawkins, Miller, McFaddin, Oliver, Phillips, Stoddard and Wilson 19.

Nays Mess Barnes, Byrne, Byrd, Berry of Franklin, Collins of Bradley, Collins of Drew, Cheatham, Carnall, Fletcher, Fum, Harding, Murph, Neal, Robins, Scott, Sissel, Teague, Tucker, Williams of Jefferson, Nelson, Whitley and Mr Speaker 22.

So the motion to lay on the table was lost

On motion the further business of the House was suspended, and the Clerk instructed to inform

the Senate that the House is ready to receive them for the purpose of going into an election of Confederate States Senator, which was done—

The Senate appeared in the Hall preceded by its officers, the Roll of both Houses were called, and a quorum of both being present.

The President of the Senate, announced that the object of the Convention was to elect, a Confederate States Senator, to fill the unexpired term of the Hon Charles B. Mitchell deceased, and that nominations were in order

Mr Neal nominated the Hon A. H. Garland
Mr Trimble, nominated Hon Albert Pike

There being no other nominations the Roll of the two Houses were called.

In the Senate the Hon A. H. Garland, received six votes, and the Hon A. Pike received seven votes
In the House Hon A. H. Garland received thirty two votes
" " " " A. Pike, received seven votes.
" " " " Hon A. B. Greenwood one vote.

Those members of the House, who voted for Hon A. H. Garland are, Mess Brown, Barnes, Bygne, Byrd, Berry of Franklin, Collins of Bradley, Cheatham, Carnall, Connelly, Fain, Fletcher, Furr, Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harris, Haynes, Hunt, Harding, Hawkins, McFadden, Murph, Neal, Oliver, Robins, Scott, Sissel, Teague, Wilson, Whitley and Mr Speaker 32.

Those members of the House who voted for Hon A. Pike are, Mess Collins of Drew, Jones of Hot Spring, Miller, Stoddard Tucker, Wilcoxen and Williams of Jefferson, 7.

Mr Phillips of Washington County, voted for the Hon A. B. Greenwood

On joint Ballot Hon A. H. Garland received thirty eight (38) Votes. Hon Albert Pike received fourteen (14) Votes, and the Hon A. B. Greenwood received one vote

The President of the Senate then announced that the Hon A. H. Garland having received a majority of all the Votes Cast, was duly and Constitutionally elected Confederate States Senator, to fill the unexpired term of the Hon C. B. Mitchell, deceased

The President of the Senate announced that the object of the Convention had been accomplished and the

Senate retired.

On motion of Mr Collins of Drew, the bill, entitled An act to establish Soldier's Homes in the State of Arkansas, be recommitted to the committee on ways and means.

On motion of Mr Collins of Drew the House adjourned until to morrow morning 9 O'clock

J. H. Lowry
Speaker.

Hall of House of Representatives
Washington Arkansas
Wednesday morning
September 28th 1864

House met pursuant to adjournment.

Prayer by the Revd Samuel Williamson, Chaplain of the House.

Mr Speaker in the chair called the House to order and roll called.

Those members who answered to their names are Messrs. Brown, Barnes, Bizzie, Byrd Berry of Franklin, Collins of Bradley, Collins of Drew, Cheatham, Carnall, Connelly, Crain, Hitcher, Fain, Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harris, Haynes, Hunt, Harding, Hawkins, Jones of Hot Spring, Miller, McFadden, Murph, Neal, Oliver, Phillips Robins, Scott, Sifel, Stoddard, Teague, Tucker, Wilcoxen, Williams of Jefferson, Wilson and Mr Speaker, 39 members.

Mr Whitley was excused on account of indis= =position

A quorum being present the Journal of the preceeding day was read and after correction approved and signed by the Speaker.

Mr Neal, Chairman of the Judiciary Com= =mittee offered the following Report.

Mr Speaker,

The Judiciary Committee to whom was referred House Bill No 10 have had the same under consideration and have instructed me to report the same back to the House and recom=

=mend its rejection.

Neal, Chairman

On motion the report was adopted and the Bill rejected.

Mr Neal, Chairman of the Judiciary Committee offered the following Report.

Mr Speaker,

Your Judiciary Committee to whom was referred House Bill No 8 have had the same under adm=ement and have instructed me to report the same back to the House and recommend its passage.

Neal
Chairman

Mr Robins moved that the report be adopted, which was carried, and the report adopted.

Mr Harding moved that the Bill be read a third time, which motion was agreed to and the Bill read.

Mr Gould moved that the Bill now pass, which was adopted and the Bill passed.

Mr Carnall, chairman of the Judiciary Committee on ways and means offered the following Report.

Mr Speaker

Your Committee to whom was referred the Bill entitled an Act to pay the Deputy Secretary of State a stated Salary, beg leave to report that they have had the same under Consideration and herewith offer a Bill by way of Substitute for the same.

Carnall
Chairman

On motion of Mr Gould the report was adopted

Mr Scott moved that the rules be suspended and the Bill read a second time by title which motion was agreed to and the Bill read the second time

Mr Collins of Drew moved that the Rules be further suspended and the bill read a third, which was adopted and the Bill read the third time.

Mr Gould moved that the Bill now pass, which motion prevailed and the Bill was passed.

Mr Neal, Chairman of the Committee on the Judiciary submitted the following

Report

Mr Speaker,

Your Judiciary Committee to whom was refered House Bills Nos 1, 2 & 3 have had the same under consideration and have directed me to report a substitute for them all back to the House and recommend its passage.

Neal
Chairman

Mr Furr moved to adopt the Report, which was agreed to and the report adopted.

Bill read first time for information, which Bill is entitled an "Act to provide for holding elections for Senators and representatives from the over-run Districts and Counties in this State"

Mr Collins of Drew moved that the Rules be suspended and the Bill be read a second time by title. which motion was not agreed to.

Mr Carnall moved that the Bill be refered to the Committee of the Whole House and made special order of the day for today at 11 O'Clock A.M. which motion was adopted and the Bill refered.

The following message was received from the Senate.

Mr Speaker,

I am instructed to inform your Hon. Body that the Senate has adopted the following

Resolution

Resolved. that the Committee on ways and Means of the two Houses of this General Assembly be made a joint Committee to consider of the appropriations Bill and that the House of Representatives concur herein.

The Senate has also passed Senate Bill No 4 entitled "An Act to require the County Collectors to receive Confederate States Notes at their value as fixed by the Congress of the Confederate States, Arkansas War Bonds and Arkansas Treasury Warrants in payment of County Taxes, which am herewith transmitted for the Consent of your Hon Body, which is respectfully asked.

S. H. Bayless, Sec. of Senate.

Mr. Byrne moved to concur which motion was adopted and Senate advised of the action of the House.

Mr Scott moved that the House resolve itself into a Committee of the whole, which was agreed to.

Mr Scott in the chair

The following message was received from the Senate.

Mr Speaker.

I am instructed to inform your Honorable Body that the Senate has passed the following Bills, viz; Senate Bill No 2, entitled an act to change the penalties and punishments of certain Crimes as now prescribed by law and Bill No 5, entitled an act to authorize the issuance of letters of administration in certain cases not now authorized by law." which are herewith transmitted for the action of your Honorable body, which is respectfully asked.

The Senate has rejected House Bill No 4 entitled an act to exempt certain persons and their property from taxation, which is herewith returned.

S. H. Bayles
Sec. of the Senate.

The committee of the whole House having under Mr Scott, chairman made the following Report

Mr Speaker

The Committee of the whole House to whom was refered an act entitled an act, amendatory of an act passed at the last session of the General Assembly, entitled "an act to provide for the relief of needy and destitute families of soldiers in this state" approved Dec 1st, 1864 have had the same under advisement and have rose and instructed me, to report the bill back to the House and ask leave to sit again at 4 o'clock P.M. of to-day

On Motion of Mr Collins of Drew the report of the Committee was received and adopted

11 O'clock having arrived, the House on motion of Mr Cannall went into a committee of the whole, on a special order of the day fixed for this hour.

~~The Speaker stated the Bill entitled an act to provide for Exempting Electors from Service and Repeal~~

~~Resolution from the Senate Judiciary and Committee on Public Buildings~~

~~Mr Speaker in the Chair~~

Mr Collins of Drew, chairman of the Committee of the Whole made the following report.

Mr Speaker,

The Committee of the whole House to whom was referred House Bills No. 1, 2, & 3 have had the same under consideration and have instructed me to report back to the House a Substitute Bill for the same and recommend its passage,

Collins of Drew
Chairman

On motion the Report of the Committee of the whole was received and adopted.

On motion of Mr Neal, the House took a recess until 2 O'clock, P.M.

2 O'clock P.M.

Mr. Gould moved that the House go into a Committee of the whole house for the purpose of Considering Substitute for House Bill No 9 being a Bill entitled an "Act to increase the Salaries ~~of certain officers in this State as well as for diminishing of the Members of the General Assembly and Representation from the Seven Nine Districts Based on Population in this State~~ of the Judges of the Supreme Court" which ~~which~~ was the Special order of the day for that hour. Mr Gould in the Chair.

and after Sometime spent in Consideration of the Same,

Mr Collins of Drew moved that the Committee of the whole arise and report progress to the House which motion was agreed to.

Mr Gould, Chairman of the Committee of the whole made the following report.

Mr Speaker,

The Committee of the whole to whom was committed Substitute for House Bill No 9, being a Bill, entitled "An act to increase the Salaries of the Judges of the Supreme Court." have had the same under consideration and have instructed me to report back to the House that they have prepared a Bill by way of a Substitute for the same and recommend its passage.

Gould
Chairman

Mr Collins of Drew moved that the report be adopted and the Bill read the first time, which was agreed to

Bill.

Be it enacted by the General Assembly of the State of Arkansas that from and after the passage of this act, the Judges of the Supreme Court of this State shall receive as a Salary for their Services the Sum of three thousand Dollars ($3000.) per annum payable quarterly.

Mr Gould moved to suspend the rules and the Bill read a second time, which was agreed to, and the Bill read a second time.

On motion of Mr Harding the rules were further
3 suspended and the Bill read a third time.

Mr Byrne proposed to amend by way of an
2 engrossed rider for table "A Bill, to be entitled "an "act to increase the Salaries of the Supreme and Circuit Court Judges of this State." which was adopted.

Mr Haynes moved to amend by adding the follo=
=wing section to the Bill "Section 2. Be it further
1 enacted that the Circuit Judges of the Several Judicial Circuits of this State shall hereafter receive as their Salary the Sum of twenty five Hundred Dollars per annum to be paid quarterly." which was adopted.

Mr Gould moved the Bill now pass.

Mr Brown called for the ayes and nayes which Call being sustained and the Roll Called. whereupon Seventeen Members voted in the affir=
=mative and twenty members voted in the negative.

Those members who voted in the affirmative, are Messrs. Barnes, Byrne, Collins of Bradley, Collins of Drew, Cheatham, Carnall, Gantt, Goodwin of Columbia Goodwin of Union, Gould, Haynes, Harding, McFadden Murph, Stoddard, Teague, and Mr Speaker — 17.

Those members who voted in the ~~affirmative~~ negative are Messrs. Brown, Berry, Connally, Fain, Fletcher, Fun, Harris, Hawkins, Jones of Hot Spring, Miller, Neal, Oliver, Phillips, Robins, Scott, Sifel, Tucker, Wilcoxen Williams of Jefferson and Wilson — 20

So the Bill was lost.

Mr Harding presented a Bill "entitled an act to change the time of meeting of the next Legis=

-lature."

Mr Collins of Drew moved to lay the Bill on the table for the present.

Mr Scott moved to amend by saying to lay the Bill on the table until Friday morning 10 o'clock a.m. which amendment was agreed to.

Mr Scott asked leave to introduce a Joint Resolution which was granted and the resolution "Joint to pay certain deceased Officers and Soldiers in the service of the State of Arkansas." was read the first time and

On motion of Mr Scott, the rules were again suspended and the Joint Resolutions were read a second time

Mr Miller moved that the rules be further suspended and the Joint Resolutions be read a third time, which was agreed to. and the Joint Resolutions were read a third time.

Mr Gould moved that the Joint Resolutions be now put upon its final passage, which was agreed to and the Joint Resolutions were passed.

Mr Gould moved to take up Senate Bill No 4 which motion was adopted.

The following message was received from the Senate.

Mr Speaker,

I am instructed to inform your Honorable Body that the Senate has passed Senate Bill No 6, entitled "an Act to repeal Certain Acts seperating the Offices of Assessor and Collector from that of Sheriff in Certain Counties", which is herewith transmitted for the assent of your Hon. Body, which is respectfully asked.

S. H. Bayless
Sec. of Senate.

Senate Bill No 4 was then read and

On motion of Mr Gould, rules were suspended and the Bill read a second time

Mr Harding moved the Bill be referred to the Committee on the Judiciary which motion did not prevail.

Mr Collins of Drew moved that the House resolve themselves into a Committee of the whole

which was agreed to.

Mr Scott in the Chair.

After some time spent in Committee of the whole the Committee arose to report progress to the House

Mr Scott, Chairman of the Committee of the whole made the following report.

Mr Speaker.

The Committee to whom was referred the Indigent Bill, ~~report~~ have had the same under advisement and have instructed me to present a Substitute Bill for the same and recommend that the same be passed.

Scott
Chairman.

On Motion the report was received and adopted.

Mr Farr moved the Substitute Bill be read the first time, which was agreed to and the Bill was read the first time.

Mr Gould moved that the rules be suspended and the Bill read a second time which was adopted and the Bill read a second time.

Mr Harding moved to lay the Bill upon the table, which was not agreed to, and the Bill was not laid upon the table.

Mr Scott offered to amend as follows.

"Sec. 4. The benefits of this act, as well as the act to which this act is amendatory shall not be extended to such families through indigent, whose male head, whether father son or brother shall have joined the Federal Army or who may have taken up arms against the Confederate States, generally known as Arkansas Federals, Minute Men, Jayhawkers, or Graybacks, nor to such families whose male head whether father, son or brother shall have deserted the Army of the Confederate States or of the State of Arkansas and who refuse to return to their duties, as soldiers of such armies. Provided, that whenever any such

deserted soldier shall voluntarily return to his duty and forward the certificate of his Captain or other Commanding Officer to that effect to the Clerk; the Clerk shall then place his family on the indigent list.

On Motion the amendment was adopted and read a second time

Mr Haynes offered the following amendment.

Sec. 5. Be it further enacted that the additional Sum of One Million of dollars be hereby appropriated for the Support of needy and indigent families of Soldiers in the Service of this State or the Confederate States and that the Same be expended according to the provisions of an act passed at the last Session of the General Assembly. ~~as amended by this act.~~

On Motion the amendment was adopted, and amendment read a second time.

Mr Gwed moved to lay the Bill and amendment upon the table.

Mr Fain called for the Ayes and Noes, which call being sustained the roll was called and resulted in Ayes five (5) and Noes thirty one (31) so the Bill and amendment was not laid upon the table.

Those Members who voted in the affirmative are Messrs Fain, Gwed, Harding, Miller and Stoddard. 5

Those Members who voted in the negative, are Messrs. Brown, Barnes, Byrne, Berry, Cadens of Bradley, Collins of Mecklenburg, Cheatham Cannon, Connelly, Fletcher, Fort, Gantt, Goodwin of Columbia, Goodwin of Union, Harris, Haynes, Hawkins, Jones of Hot Spring McFadden, Murph, Oliver, Phillips, Robins Scott, Sifuls, Teague, Tucker Wilcoxen, Williams of Jefferson, Wilson and Mr Speaker — 31.

Mr Berry moved to refer the Bill to a Special Committee of three, which was lost.

Mr Brown moved to amend by adding

"as amended by this act", which was adopted

Mr Harding moved the Bill be referred to a Special Committee, which motion was not agreed to.

Mr Collins of Drew, offered an amend=ment as amendatory of the Bill which was read as follows.

A Bill

To be entitled an Act amendatory of an act to provide for the relief of needy and destitute families of Soldiers in this State." approved December 1st 1862

On motion of Mr Robins the amendment was received and adopted.

Mr Collins of Drew moved to suspend the rules and the Bill go to its third reading motion lost and the rules were not suspended.

Mr Steal moved that the Bill on elections from Committee of the whole be taken up by the House.

Mr Williams moved to adjourn until tomorrow morning at 10 O'Clock which was lost.

On motion Mr Cheatham was excused.

On motion of Mr Caswell, Mr Byrne was excused

First amendment to Bill read and adopted

Second amendment to Bill read and adopted on the motion of Mr Steal.

and on motion the third amendment was adopted.

On motion of Mr Finn, rules were suspen=ded and the Bill put upon its third and last reading

Mr Finn moved the Bill be put upon its final passage. agreed to.

Mr Finn then called for the ayes and noes, which call being sustained, resulted in thirty one members voting in the affirma=tive and four members voting in the negative

So the Bill passed

Those members who voted in the negative

are Mess Collins of Bradley, Harding, Stoddard and Tucker — 4

Those members who voted in the affirmative are Messrs. Brown, Barnes, Berry, Collins of Drew, Carnall, Connelly, Fair, Fletcher, Furr, Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harris, Haynes, Hawkins, Jones of Hot Spring, Miller, M'Fadden, Murph, Neal, Oliver, Phillips, Robins, Scott, Sifer, Teague, Wilcox, Williams of Jefferson, Wilson and Mr Speaker 31.

On motion of Mr Williams the House adjourned until 10 O'clock A. M. tomorrow morning.

J. F. Lowry
Speaker

Hall of the House of Representatives
Washington Arkansas
Thursday Morning 10 O'clock
September 29th 1864

House met pursuant to adjournment.

Prayer by the Rev. Mr Samuel Williamson, Chaplain of the House

Mr Speaker in the Chair, Called the House to order, and the Roll was then Called

And the following members were present and answered to their names viz Mess Brown, Barnes, Byrne, Byrd, Berry, Collins of Bradley, Collins of Drew, Cheatham Carnall, Connelly, Fair, Fletcher, Furr, Gantt, Goodwin of Columbia, Goodwin of Union, Gould, Harris, Haynes Harding, Hawkins, Jones of Hot Spring, Miller, M'Fadden Murph, Neal, Oliver, Phillips, Robins, Scott, Sifer, Stoddard Teague, Tucker, Wilcox, Williams of Jefferson, Wilson, and Mr Speaker. 38.

Mr Carnall, Chairman of the Committee on Ways and Means, made the following report

Mr Speaker

The Committee to whom was ~~[illegible]~~ re-committed the Bill entitled an act to establish Soldiers Homes beg leave to report that they have had the same

under consideration and recommend the following amendments, strike out in third line, the words and figures "$500 in specie" and in the fourth line the words, "the specie funds" and insert in the first blank the figures "$5000" and in the second blank the words, "any money" all of which is respectfully submitted.

On motion of Mr Holcombe the report was adopted. Cornall Chairman

Mr Harding moved to amend the bill by adding after the word "Washington" "Hempstead County" and after the word "Camden" "Ouachita County", which amendments was adopted

Mr Collins of Drew moved to amend the bill by making private contributions $4000 instead of $2000

Mr Harding moved to amend the amendment by making it $5000 - Mr Collins accepts the amendment

On motion of Mr the amendment as amended was rejected.

Mr Haynes offered the following amendment by inserting $8000 in the place of five thousand dollars, and after the word Camden, add at the town of Monticello in Drew County.

Mr Brown offered to amend the amendment by striking out $8000 - Mr Haynes accepts the amendment, and the amendment as amended adopted Mr Gould moved that the bill be read a third time which was done - and after some considerable debate - Mr Cornall moved the previous question be now put, which motion was sustained. The main question was then put - Mr Byrne called for the Ayes & Noes, on the final passage of the Bill called sustained, and the Roll called

Those members voting for the passage of the bill are Messrs Brown, Baines, Byrne, Byrd, Collins of Bradley, Collins of Drew, Cheatham, Cornall, Fletcher, Fuller, Gantt, Goodwin of Columbia, Goodner of Union, Gould, Harris, Haynes, Hawkins, McFaddin, Murph, Neal, Phillips, Robins, Scott, Sissel, Teague, Tucker, Williams of Jefferson, Wilson and Mr Speaker. 29.

Those members voting No. are Messrs Berry of Franklin, Connelly, Hair, Harding, Jones of Hot Spring, Miller, Oliver, Stoddard, and Wilcox 9.

So the Bill passed.

On motion of Mr Scott reading of the minutes dispensed with for the present.

The Judiciary Committee to whom was referred Senate bill No 4 ~~reported the same back to the House and recommend its rejection~~ made the following report

Mr Speaker

Your Judiciary Committee to whom was referred Senate bill No 4, entitled "An act to require County Collectors to receive C.S. Notes at their value, Arkansas War Bonds, and Treasury Warrants in payment of County taxes" have had the same under consideration and directed me to report the same back to the House and recommend its rejection

Neal Chairman

On motion of Mr Goned the report was rejected.

Mr Hayes moved to amend by striking out Confederate Notes at their Value as fixed by the Congress of the Confederate States

Mr Scott moved to amend the amendment by striking out in sec 1. 6th line after "States" all before the word "also" in 8 line and insert after the word "Warrants" in 10 line, "and Confederate Notes less than $100 bills If the County Court shall determine to receive said Confederate Notes in payment of said taxes"

Mr Williams of Jefferson moved to adopt the amendment to the amendment.

Mr Goned, moved to lay the amendment to the amendment on the table, which motion prevailed, and the amendment to the amendment laid on the table

Mr Brown offered the following amendment Amend by exempting the County of Clarke from the provisions of the bill, so far as relates to the special tax for soldiers families

Mr Harding offered the following amendment That the County of Desha be excepted from the provisions of this act

Mr Connelly offered the following amendment, amend by adding the several Counties of the State

Mr Goned moved to lay the amendment to the amendment ~~on the table~~ which motion prevailed,

On motion of Mr Goned, the amendment was laid on the table

On motion Mr Goned the bill was read a third time, Mr Goned then moved that the bill pass,

~~Upon~~ which On motion of Mr Brown the yeas and nays were called for, which being sustained were ordered

Yeas Messrs Barnes, Collins of Bradley, Cheatham, Fletcher Hurr, Gantt, Gordon of Columbia Gordon of Union, Goned Harris Jones of Hot Spring Marsh Robins Scott.

Sisel, Teague, Tucker, Williams of Jefferson and Wilson 19.

Nays Messrs Brown, Byrne, Byrd, Perry of Franklin Collins of Dew, Connell, Connally, Dent, Hayes, Harding Hawkins, Miller, McFadden, Neal, Oliver, Phillips Stodd-dard, Wilcoxen and Mr Speaker, 19.

So the Bill was rejected.

On motion of Mr Neal House took a recess until 2 O'clock P.M.

2 O'Clock P.M.

House re-assembled, roll called and a quorum present.

On motion of Mr Collins of Dew Senate Bill No 2 Entitled An act to change the penalties and punishments of Certain Crimes as now prescribed by law, was taken up and read the first time and on motion of Mr Williams of Jefferson the rules were suspended & the bill was read a 2nd time by title, and on his further motion the bill was referred to the Judiciary Committee

On motion of Mr Collins of Dew Senate Bill No 3 entitled An act to regulate elections of Members of Congress to the House of Representatives of the Congress of the Confederate States from the State of Arkansas, was taken up and read a first time, and on motion of Mr Dent the rules were suspended and the bill read the second time - On Motion of Mr Neal the rules were further suspended and the bill read a third time, and on his further motion the bill passed.

Leave granted Mr Teague to retire on account of being sick

On motion Mr Tucker, Senate Bill No 6, entitled An act to repeal certain acts seperating the offices of Assessors and Collectors from that of Sheriff in certain Counties was taken up and the first time, and on motion of Mr Oliver the rules were suspended, and the bill read a 2nd time - Mr Tucker offered the following amendment "and that this act shall take effect and be in force during the present war", which amendment was not adopted Mr Dent offered the following amendment - Amend by striking instead of from and after its passage, to read "two years after its passage" which amendment was not agreed to.

Mr Goodwin of Union offered the following amendment, Amend by excepting Union County from this law. Whereon motion of Mr Williams of Jefferson was laid on the table.

On motion of Mr Haynes, the bill was read a third time and rejected.

Mr Brown from the joint Committee to whom was referred the resolution of the House to enquire into the expediency of providing Cotton & Wool cards, medicines &c, made the following report

Mr Speaker

The joint Committee to whom was referred the resolution of the House to enquire into the expediency of providing Cotton and Wool Cards and Medicines for the use of the families of Soldiers have had the same under Consideration - including cotting paper for the use of State and County officers, and have directed me to report the accompanying bill and recommend its passage

Brown, Chairman Com.
on part of the House.

A Bill to be entitled an act to provide Cotton and Wool Cards and medicines for the families of Soldiers and paper for the officers of the State and Counties" which bill was read a first time, motion of Mr Neal the rules were suspended and the bill read the second time by title -

Mr Scott offered the following amendment, Strike out the word "less" and add the word "more"

Mr Neal moved to lay the amendment on the table Whereupon Mr Scott, Called for the yeas and nays, which being sustained they were ordered.

Yeas Messrs Bynum, Berry of Franklin, Collins & Bradley, Collins of Drew, Cheatham, Carroll, Connelly, Fain, Goodwin of Columbia, Goodwin of Union, Gorrell Haynes, Harding, McFadden, Neal, Oliver, Phillips 17.

Nays, Messrs Brown, Barnes, Byrd, Fain, Garrett, Harris, Hawkins, Jones of Hot Spring, Miller, Murph Robins, Scott, Sissel, Stoddard, Tucker, Wilcoxen Williams of Jefferson, Wilson & Mr Speaker 20

So the amendment was not laid on the table

On motion of Mr Bynum the bill and amendment was referred to the Committee of the whole

House and made the special order of the day for to-morrow morning 11 O'Clock

Senate Bill No 5. entitled An act to authorize the issuance of letters of administration in certain cases not now authorized by law, was called up and read the first time — Mr Harding moves to reject the bill, motion to reject lost. On motion of Mr Irwin the rules were suspended the bill was a second time by title, and on motion of Mr Gould referred to the Committee on the Judiciary

Senate Bill No 8. entitled An act for the relief of the widow and minor heirs of Henry H. Davis deceased of Clark County, was called up, and read the first time — On motion of Mr Gould the rules were suspended and the bill read second time by title.

Mr Scott offers to amend by adding "That the provisions of this bill be applied to the estate of Omey A Rose deceased of Clark County" Mr Haynes offers to amend by adding "That the provisions of this Bill apply to the estates of Jonathan Weaver and A. O. Collins of Drew County.

Mr Miller offers the following amendment by adding "that the provisions of this Bill be applied to the estate of Andrew Wallace of Polk County, which amendments were adopted.

On motion Mr Scott, the Bill and amendments were referred to a special Committee of three, consisting of Mr Scott, Haynes & Miller

Mr Hawkins offered a bill entitled An act to require Executors and administrators to appoint agents to provide for the appointment of guardians in certain cases, which was read a first time — on motion of Mr Williams of Jefferson, the rules were suspended and bill read the second time, and on motion of Mr Sissel the bill was referred to the Judiciary Committee

Mr Irwin introduced a bill to be entitled An act to limit the power of the County Court from levying exorbitant taxes.

Which was read a first time

On motion of Mr Oliver the rules were suspended and the bill read second time by title —

And on motion of Mr Neal the bill was referred to the Judiciary Committee

Mr Sissel from a Special Committee made the following report.

Mr Speaker,

The Special Committee appointed to devise means to supply indigent families with salt, have had the same under consideration, and have instructed me to report the following bill

Russie, Chairman

H.R. 15

A Bill to be entitled "An act for the supply of salt, to the indigent families of deceased soldiers and those now surviving in the armies of the Confederate States."

Read first time

On motion of Mr Miller the rules were suspended and the bill read a second time

On motion of Mr Goodwin of Ala. the bill was read a third time and passed.

Message from the Senate by their Secretary

Mr Speaker

I am instructed to inform your Honorable body that the Senate has amended, and as amended passed, House joint Resolution to pay certain deceased officers and soldiers, which is herewith returned for your further consideration.

The Senate has also passed the following Senate Bills

No 7 entitled An act making appropriations for the years 1865 and 1866 and part of the year 1864

No 9 entitled An act for the relief of persons, who have lost or had destroyed title deeds for land, which are herewith transmitted for the assent of ~~the House~~ your Hon. body which is respectfully asked

The Senate has amended and passed House bill No 8 entitled An act for the relief of persons of this State in which your concurrence is respectfully asked

S. H. Baylor, Sec'y of Senate

On motion of Mr Scott the Message from the Senate just received was taken up.

On motion of Mr Scott House joint Resolution to pay ~~Extra to pay~~ certain deceased officers and soldiers, was taken up, with the amendments of the Senate thereon.

On motion of Mr Scott the House refused to concur in the amendments of the Senate, and the joint resolution was reported back to the Senate for its further action

On motion of Mr Scott, House Bill No 8 entitled An act for the relief of persons of this State. The

with the amendment of the Senate was taken up, and on motion of Mr Byrd the House concurred in the Senate's amendment

Mr Cannall called up Senate Bill No 7 entitled An Act Making appropriation for the years Eighteen Hundred and Sixty Five, 1866 and partly the year 1864; which was read a first time.

On motion of Mr Oliver, the rules were suspended and bill read 2d time.

On motion Mr Lissel the rules were again suspended and the bill read a third by title and passed.

On motion of Mr Oliver House adjourned until to Morrow morning 9 O'Clock.

J F Young
Speaker.

Hall of the House of Representatives
Washington Arkansas
Friday Morning 9 O'Clock
September 30th 1864

House met pursuant to adjournment.

The Roll was called, and the following members being present answered to their names, Viz: Mess. Brown, Barnes, Byrne, Byrd, Berry, Collins of Bradley, Collins of Drew, Cheatham, Cannall, Connelly, Fain, Fletcher Hurr, Gantt, Goodwin of Columbia, Goodwin of Union Good, Harris, Haynes, Harding, Hawkins, Jones of Hot Spring, Miller, McFadden, Murph, Neal, Oliver, Phillips Robins, Scott, Lissel, Stoddard, Teague, Tucker, Wilson Williams of Jefferson, Wilson, Whitley, Mr Speaker 39.

The minutes of the two preceding days was read, amended and approved.

Mr Miller moved a reconsideration of Senate Bill No 4, entitled An act to require County Collectors to receive Confederate States Notes at their Value, Arkansas War Bonds and Treasury Warrants in payment of County taxes" was had

Mr Scott in the Chair

On Motion of Mr Scott, the Clerk was instructed to request the Senate to return the Senate bill No 4 to the House for further Consideration, which was done and the bill returned.

Mr Gonell moved that the bill pass,

After some debate, Mr Gonell moved the previous question, which was agreed to - The main question was put shall the bill pass - Mr Haynes called for the yeas and Nays, which call being sustained, were ordered.

Whereupon ~~Twenty-one~~ Twenty five members voted in the affirmative and thirteen members in the negative.

Those members who voted in the affirmative are Messrs Barnes, Byrne, Collins of P. Bradley, Cheatham, Fletcher, Fuqua, Gantt, Goodwin of Columbia, Goodwin of Union, Gonell, Harris Hawkins, Miller, M Hadden, Murph, Neal, Robins, Scott, Sirrel, Teague, Wilson, Williams of Jefferson, Wilson Whitley and Mr Speaker 25.

Those members voting in the negative are Messrs Brown, Byrd, Berry, Collins of Orew, Connell, Connelly, Hain, Haynes, Harding, Jones of Hot Spring, Oliver, Philips and Stoddard 13.

So the Bill passed

On Motion of Mr Neal, leave is granted to Mr Vaughan, Secretary of the Military Board to withdraw and amend his report.

Mr Neal from the Judiciary Committee made the following report

Mr Speaker

Your Judiciary Committee to whom was referred ~~An act and~~ A Bill entitled An act to require Executors and administrators to appoint agents to provide for the appointment of guardians in Certain Cases, have had the same under Consideration, and beg leave to report the same back to the House and recommend its passage And, Chairman

On Motion of Mr Connelly, Mr Tucker was excused on account of ill health

On Motion Mr Goodwin was excused on account of indisposition.

Mr Speaker in the Chair

Substituted House Bill No entitled An act to Change the time of meeting of the next Legislature, was taken up

Mr Oliver moved to amend the Bill by

striking out the words, intending to make, and inserting the words "having made"

On motion of Mr Oliver bill ordered 3rd time and after some considerable debate passed.

Mr Oliver, moved that the special order of the day for 11 O'clock be taken up

The Hour of 11 O'Clock Arr, having arrived

The House went into Committee of the whole for the further consideration of House Bill No 16 To be entitled An act to provide Cotton & Wool Cards and medicines for the families of Soldiers and paper for the officers of the State and Counties, and for other purposes" which was made the order of the day for that hour. - Mr Neal in the chair

After some time spent in consideration of the same,

Mr Gold moved that the Committee arise and report the bill back to the House, with the amendments and recommend its passage as amended, which was agreed to.

Mr Neal Chairman of the Committee of the whole made the following report

Mr Speaker.

The Committee of the whole to whom was Committed House Bill No 16 Entitled An act to provide Cotton and Wool Cards and medicines for the families of Soldiers and paper for the Officers of the State and Counties and for other purposes, have had the same under consideration and have instructed me to report the same back to the House with some amendments and recommend its passage as amended.

Neal, Chairman

On motion of Mr Gould, the title of the bill was amended by adding after the word "Counties" the words "and for other purposes"

Mr Scott moved to strike out the word "less" and add the word "more"

Mr Collins moved to strike out all of Section 8 and insert for said section the following - "Sec 8. "Be it further enacted, That the articles herein provided for may be disposed of in such way, and at such prices as the Governor may determine, Scott accepts the amendment adopted

Mr Byron moved to amend by striking out the word "extreme" in the 13 section, adopted.

Mr Harding moved to amend by adding the following section
Sec 14. That the Governor in the sale and disposition of the articles herein enumerated shall distribute the same equally in all the Counties of the State as far as practicable. Which on motion of Mr Goodwin was adopted

Mr Scott offered the following amendment
"Sec 15 Be it further enacted that the Specie fund provided for shall be used only in the purchase of Cards, and any agent using said Specie for any other purpose shall be deemed guilty of a Misdemeanor, and shall be dismissed of his trust, and prosecuted on his bond.

Mr Neal moves to lay the amendment on the table
Mr Scott calls for the yeas & nays, the call being sustained were ordered

Whereupon there were twenty six voting in the affirmative, and Eleven members in the negative
Those members voting in the affirmative are Messrs Brown, Barnes, Byrne, Collins of Bradley, Collins of Drew, Cheatham, Carnall, Connelly, Fletcher, Fuller Gantt, Goodwin of Union, Goned, Harris, Haynes, Harding Jones of Hot Spring, McFadden, Murph, Neal, Robins Teague, Tucker, Wheaton, Wilson, and Whitley 26.
Those members voting in the negative are Messrs Byrd, Berry, Hunt, Hawkins, Miller, Oliver, Phillips, Scott, Sissel, Stoddard and Mr Speaker 11.
So the amendment was laid on the table.

Mr Sissel moved to amend by adding after the word Arkansas, in 1st Section "and Counties" no Mr Goned adopted

Mr Fuller offered the following amendment.
Sec 15 Be it further enacted that the Specie fund herein provided for shall be used only in the purchase of Cards, Medicines and paper and any agent using said Specie for any other purpose shall be deemed guilty of a misdemeanor and shall be dismissed of his trust and prosecuted on his bond.

On motion of Mr Neal the amendment was laid on the table

On motion of Mr Teague bill was read a third time by title.

Mr Goned moved that the bill now pass.

Mr Oliver calls, for the Ayes & Nays
Calls sustained, ~~they~~ were ordered.

C

Yeas Mess Brown, Barnes, Byrne, Byrd, Collins of Bradley
Collins of Drew, Chastain, Cannall, ~~[illegible]~~, Fletcher Fum
Gantt, Goodwin of Union, Gossett, Harris, Haynes, Harding
Hawkins, Jones of Hot Spring, McFadden, Murph, Neal,
Phillips, Robins, Scott, Sisel, Stoddard, Teague, Tucker
Wilcoxen, Williams of Jefferson, Wilson, Whitley, and
Mr Speaker 33

Nays Mess Berry, Hunt Miller and Oliver 4

So the Bill passed.

On motion of Mr Gossett the House took a recess until 2 O'clock P.M.

The hour of 2 O'clock having arrived the House reassembled.

The following Message was received from the Senate

Mr Speaker,

I am instructed to inform your Hon body that the Senate has passed Senate joint resolution declaring what officers are necessary for the administration of the State Government, which is herewith transmitted for the concurrence of your Hon body, which is respectfully asked.

The Senate has also passed Senate bill No 10, entitled An act to pay the interest on Treasury Warrants and redemption thereof, which is herewith transmitted for the assent of your Hon body.

The Senate has amended and as amended passed House bill No. entitled An act to establish Soldiers Homes in the State.

The Senate has passed House Bill No entitled an act for the relief of A H Oates Secretary of State which is herewith returned

The Senate has receded from its amendment to House joint Resolution to pay Certain deceased officers and Soldiers, which is herewith returned

S. H. Baylers,
Secy of the Senate

Message from the Governor by Private Secretary

Vaughan's Excellency

Executive Department
Washington Ark Sept 30. 1864

To the House of Representatives of the State of Arkansas

I have the honor to inform your body that the act entitled "An act for the preservation of the Public archives of the State and for other purposes has been approved.

A. H. Lanagin

Mr Cannall Chairman of the Committee on Ways and Means presented the following report

Mr Speaker

The Committee of Ways and Means, to whom was referred a Bill to be entitled An act for the relief of Capt John Conley of Yell County have considered the same and recommend its passage

Cannall Chairman

On motion of Mr Robins the Report was adopted

On motion of Mr Cannall the bill was read the third time,

On motion of Mr Miller the bill passed

Mr Cannall, Chairman of the Committee on Ways and Means made the following report.

Mr Speaker

The Committee to whom was referred the Bill entitled "An act making appropriations to carry into effect an act for the relief of pensioners in the State of Arkansas, have had the same under consideration and have instructed me to report the bill back and recommend its passage

Cannall Chairman

Mr Miller moved the adoption of the report which was adopted.

Mr Furr moved to amend the bill by striking out "$18,000" and inserting $50,000

Mr Harding moved to lay the amendment on the table, which motion prevailed and the amendment was laid on the table

On motion of Mr Cannall the bill was read the third time.

On motion of Mr Miller the bill passed

Mr Gantt, offered the following bill entitled "An act to amend Chapter 162 of Gould's Digest relating to Slaves," read the first time

On motion of Mr Scott the rules were suspended and the bill read 2d time by title.

On motion of Mr Haynes, the rules were further suspended and the bill read the third time by title,

On motion of Mr Williams of Jefferson the bill passed.

Mr Williams of Jefferson, offered the following House joint resolution

Whereas the law of the Confederate Congress of the 17 February 1864 provides for the exemption of Farmers and planters from military service under certain restrictions and regulations, some of which under the instructions of the Commissioner are extremely onerous and detrimental both the government and farmers particularly restricting them from the sale, barter or exchange of their articles of produce or any portion thereof under any circumstances to any person other than soldiers families thereby preventing them from procuring the absolutely necessary articles to carry on their respective farms or plantations, such as salt, Iron and other indispensable articles, which it is now impossible to procure in the present depreciation of the currency except by barter and exchange therefor

Be it resolved by the General assembly of the State of Arkansas, that our Senators in the Confederate Congress be instructed and our Representatives be requested to use their best exertions to amend land act, so as to enable the detailed Farmers and planters to use so much of their products, by sale, barter or exchange, as may be necessary to procure for their several farms or plantations the necessary quantity of salt, Iron and other necessary articles under such limitations and restrictions as they shall deem proper and right to secure to the Government and Soldiers families the greatest amount of agricultural products.

Williams of Jefferson

Which resolution was read a first time

On motion of Mr Scott the rules were suspended and the Resolution read the 2d time by title

On motion of Mr Steel the Resolution was referred to the Committee on Ways and Means

Mr Fletcher offered the following Resolution

Whereas the successful cultivation of the soil in grain is of great and vital intent to the South and Whereas owing to the illegal seizure by those pretending to have authority, and Wanton destruction by Government officers of teams in the Service have so reduced the

supply of Work Stock, in the hands of farmers as to render it
to the Cultivation of the Soil for the Spring and
Coming Seasons and of such abares be not Corrected they
will not only produce distitution and Want among the
people; but interfere materially with the production of
the necessary Subsistence for our Army in the field and
the needful transportation for the same

Therefore this House Senate Concurring respect-
fully and earnestly Call the attention of His Excellency
the Governor of this State and Genl Smith Commanding
this Military Department, to this fact, to the end,
that they may institute such enquiry and adopt
such measures as may be needful to the protection
of the public interest in that behalf

On motion of Mr Byrne the resolution was adopted

House Bill No 17 entitled An act to require Executors
and administrators to appoint agents to provide for the
appointment of guardians in certain cases; was taken up

Mr Harding moved to strike out the last section
of the bill, which motion prevailed, and last section stricken out

On motion the bill was read third time

Mr Miller moves its passage

On motion of Mr Collins of Drew the vote to read bill 3d time
was reconsidered

Mr Collins of Drew moved its reference to a Select
Committee of three.

The Chair appointed as such Committee Messrs
Collins of Drew, Haynes and Hawkins.

Mr Neal Chairman of the Judiciary Committee
made the following report

Mr Speaker

Your Judiciary Committee to whom
was referred Senate Bill No 5 have had the same
under Consideration and have directed me to Report
the same back to the House with amendments and
recommend the passage of the bill as amended

Neal Chairman

On motion of Mr Harding the Report was adopted
1st Amendment "Amend by striking out the words "The
Clerk of" after the words "Lawful for" in first section line
and insert after the word "State" in same section 5 line
"or Clerk thereof in vacation" On motion of Mr

Hunt the amendment was adopted
2d Amendment "Amend by striking out Secs 3 & 4 and all of Section 2 after the Word "Enacted" and insert the following "That such administrator shall in all things be governed by existing laws in this State
Mr Haynes proposes to amend by ~~[illegible]~~ adding after the Word "State" "as far as the nature of the subject matter will admit of" as far as practicable", Mr Neal, as Chairman of the Judiciary Committee accepts the amendment
And the amendment as amended adopted
On motion of Mr Harding the bill was read 3d time by title, and passed.
Mr Neal Chairman of the Committee on the Judiciary made the following report
Mr Speaker
Your Judiciary Committee to whom was referred Senate Bill No 2 have had the same under advisement, and the Committee has been unable to agree upon its provisions, and have directed me to report the same back to the House, and ask to be discharged from further Consideration of the same
Neal Chairman
On motion of Mr Olivia the report was adopted
On motion Mr Neal bill read a second time
Mr Harding moved to lay the bill over until to morrow 10 O'clock A. M. and Special order of the day for that hour
Motion to lay over not sustained
Mr Scott offered the following amendment "Amend by striking out that portion of Section 5 beginning with the words "But the judge" in the 6 line, and strike out Sec's 6, 7, and 8.
Which amendment was rejected
Mr Neal moved the bill be read a third time, which was done, and on motion of Mr Hunt the bill passed.
Mr Neal, Chairman of the Judiciary Committee offered the following report
Mr Speaker
The Judiciary Committee to whom was referred House bill No [illegible] have had the same under advisement and directed me to report it back to the House with a substitute and recommend that the substitute pass.
Neal Chairman

A Bill, to be entitled, An act to prevent the County ~~County~~ Courts from levying an exhorbitant tax.

Sec 1 Be it enacted by the General Assembly of the State of Arkansas, That the County Courts of this State be and they are hereby prohibited from levying or collecting any higher or greater tax for all purposes than an aggregate of one and a half per cent per annum

Sec 2. Be it further enacted, That this act shall not be so construed as to effect the collection of taxes already assessed

On motion of Mr Oliver the report was adopted

On motion of Mr Oliver the rules were suspended and the bill read second time

Mr Cunnall moves to strike out the second section of the Bill

Mr Miller moved to reject the amendment, which motion did not prevail

On motion to adopt the amendment the amendment was rejected

On motion of Mr Harding the bill was read a third time

On motion of Mr Berry the Bill passed

The following Message was received from the Senate by their Secretary.

Mr Speaker

I am instructed to inform your Hon body that the Senate has amended and as amended passed House bill No entitled, An act to provide for holding elections for Senators and Representatives from the overflow Districts and Counties of the State, which is herewith returned with the amendment thereto for your Consider-ation and action. [redacted]

The Senate has passed Senate Bill No 14 entitled An act to provide printing paper and material to print the acts of the General Assembly and the decisions of the Supreme Court and other necessary work for the State which is herewith transmitted for the assent of your Hon body, which is respectfully asked

A H Bayless,

Secretary of the Senate

Mr Scott from a Select Committee offered the following Report

Mr Speaker

The Special Committee to whom was referred Senate bill No 8, entitled "An act for the relief of the widow and heirs of Henry H. Davis, deceased of Clark County have considered the same, and have instructed me to report, an amendment to the title and to add to the amendments adopted by the House two other Estates, and as amended to recommend its passage

S. M. Scott, Chairman
Special Committee

On motion of Mr [illegible] the report was adopted

On motion of Mr Scott the bill was amended by adding the Estates of John W Ashby and Isaac E. McFadden - and the title of the bill amended by adding after the word, County the words "and others" all of which amendments were adopted

On motion of Mr Scott, Section 8, ~~[illegible]~~ was changed to Section 9

On motion of Mr Scott the bill was read third time by title, and on his further motion the bill passed

Senate Bill No 9. Taken up, and read first time

On motion of Mr Hunt the rules were suspended and the bill read a second time

On motion of Mr Haynes the bill was referred to a Special Committee of three

Mr Speaker appointed Messr Haynes, Byrne and Collins of Bradley as such Committee

Mr Carnall offered the following Joint Resolution

Resolved, by the General Assembly of the State of Arkansas, That all the laws passed at the present Session of the Legislature be published in the Washington Telegraph, and that two copies of each paper containing such laws be sent to the office of the Secretary of State for each Clerk and each Sheriff in the State to be transmitted to such Sheriffs and Clerks by the Secretary of State by first safe opportunity and that the printing of the same be paid for out of the proper fund

On motion of Mr ~~[illegible]~~ Gould the rules were suspended and the resolution ~~[illegible]~~ read a second time

On motion of Mr Byrne the rules were further suspended and the resolution read a third time, and on his further motion the resolution passed

Senate Joint Resolution No 12, declaring what officers are necessary for the administration of the State Government, was taken up -

Mr Williams of Jefferson moved that the rules be suspended and the ~~Resolution~~ Resolution read a second time which was agreed to, and the Resolution read a 2d time

On motion of Mr Neal the rules were further suspended and the Resolution read the third time.

And on motion of Mr Williams of Jefferson the resolution was passed.

Senate Bill No 10. entitled, "An act to pay interest on Treasury Warrants and the redemption thereof", which was read the first time.

On motion of Mr Neal the rules were suspended and the bill read a 2nd time, and on his further motion the rules were again suspended and the bill read a third time - and on motion of Mr Hunt the bill passed.

House bill No 11. entitled An act to establish Soldiers Homes in the State of Arkansas

was taken up, with the Senate amendments.

Mr Neal moved that the House do not concur in the Senate amendments, which was agreed to, and the House refused to concur, and the bill reported back to the Senate for its further action

House Bill No entitled An act to provide for holding elections for Senators and Representatives from the various Districts and Counties of the State with sundry amendments made in the Senate.

On motion of Mr Byrne, the House concurs in Senate amendments

Mr Goodwin of Union was excused on account of indisposition

Senate Bill No 14 entitled An act to provide printing paper and other materials to print the acts of the General Assembly, the decisions of the Supreme Court and other work necessary for the State" was taken up and read first time

On motion of Mr Gould, the rules were suspend the bill ~~xxx~~ read a second time, and on his further motion the rules were again suspended and the bill read a third time, And on motion of Mr Hunt the bill passed.

On motion the House adjourned until to morrow morning 9 O'clock.

J. H. Lowry
Speaker.

Hall of the House of Representatives
Washington Arkansas
Saturday October 1st 1864

House met pursuant to adjournment

Prayer by the Rev Mr Samuel Williamson Chaplain of the House

The Roll was Called, and the following members being present answered to their names. Mess Brown, Barnes, Byrne, Byrd, Berry, Collins of Bradley Collins of Drew, Cheatham, Cunnall, Connelly, Fletcher, Furr, Gant, Goodwin of Columbia, Goodwin of Union Gould, Harris, Haynes, Hunt, Harding, Hawkins, Jones of Hot Spring, Miller, McFadden, Murph, Neal Oliver, Phillips, Robins, Scott, Sissel, Stoddard, Teague Tucker, Wilcox, Williams of Jefferson, Wilson, Whitley Mr Speaker 39.

On motion of Mr Neal, Mr Miller was excused from further attendance on the House

On motion Mr Scott, was excused from further attendance on this House, after dinner to day

Mr ~~Tucker~~ Speaker offered the following Resolution Resolved, That the thanks of this House be tendered to the Citizens of Washington and Vicinity for their Kindness and hospitality

Mr Sissel, Chairman on Enrollments made the following Report.

Mr Speaker

The Committee on Enrollments have examined House Bill No To be entitled an act for the relief of Assessors of this State; also House Bill No Entitled An act for the relief of ~~assessors~~ O. H. Oates, Secretary of State, also House

joint Resolution, and find the same Correctly enrolled.

Mr Lucill, Chairman

Mr Carnall, Chairman of the Committee on Ways and Means, made the following report

Mr Speaker

The Committee to whom was referred the joint Resolution Concerning Farmers and Planters have Considered the same and recommend its adoption by this Honorable body.

Carnall, Chairman

On Motion the report was adopted,

The Resolution was then read a third time, And on Motion of Mr Carnall, adopted.

Mr Collins of Drew made the following report

Mr Speaker

The Special Committee to whom was referred House bill No 17 have had the same under Consideration and recommend, that Sec 4 be reinstated; the Committee recommend the passage of the bill in its original shape with additional Sec 5, herewith Submitted

Collins of Drew

On Motion of Mr Robins the amendments were read and adopted,

On Motion of Mr Carnall the bill was read a third time by title,

On Motion of Mr Neal the bill passed.

The following Message was received from the Senate

Mr Speaker

I am instructed to inform your Hon body that the Senate has adopted a joint resolution in reference to our military authorities

They have also passed Senate bill No 15 entitled an act to change the place of holding the election in Ozan Township Hempstead County Arkansas - which are herewith transmitted for your Consideration and action

A. H. Baylor Secy of the Senate

Mr Haynes, from a Special Committee made the following report.

Mr Speaker

The Special Committee to whom was referred Senate bill No 9 have had the same under Consideration, and beg leave to report, that they

have prepared an additional section, which is herewith submitted, to take the place of sec 4 and that section to be placed as the 5 section, and recommend the passage of the bill as proposed to be amended

Haynes.

On motion of Mr Robins the report was adopted

On motion of Mr Robins the amendments were adopted.

The Bill was read third time by title, and On motion of Mr Connelly the bill passed.

Mr Russel from the Committee on Enrollments made the following report

Mr Speaker

The Committee on enrollments have examined House Bill, entitled An act to provide for holding Elections for Senators, Representatives and Prosecuting attorneys, from the overseen districts and Counties in this State, and have instructed me to report the same ~~back~~ Correctly enrolled

Russel, Chairman

Mr Cannell, offered the following resolution.

Resolved, That the Secretary of State cause the election bill to be Copied and published in the next issue of the Washington Telegraph and two Copies of the same be published for the use of the House and Senate by noon on Monday next if Practicable

Cannell

On motion of Mr Gould, the resolution was adopted.

Mr Teague offered the following resolutions Preamble and Resolutions Concerning S. F. Black and his Son Charles, Potters of Calhoun County

Whereas S. F. Black, of Calhoun County is by trade a potter, and his Son Charles has learned the trade with his father, and Whereas the said S. F. Black is in his forty sixth year, but subject to Military duty, under the late act of Congress extending the age of Conscription to fifty; and his Son Charles is not yet Seventeen years of age, but will be soon, and will then be subject also to Conscription; and Whereas the people of Calhoun, and the surrounding Counties

are much in want of Potters ware, and will be greatly inconvenienced if the Pottery of the said Black is broken up by the putting of him and his son into the Military Service; Wherefore be it =

Resolved by the General assembly of the State of Arkansas, that General E. K. Smith Commanding the Military Department be respectfully requested to detail the said S. F. Black to carry on his Pottery, on Condition that he will receive for his ware, Confederate Money, State Money, or the produce of the Country, as may suit the purchasers, at reasonable prices; and that Genl Smith be also respectfully requested to detail Charles Black to assist his father in carrying on the business

Resolved. That the Secretary of State be required to forward to General Smith a duly Certified Copy of this Preamble and resolutions

League of Calhoun

On motion of Mr Hurn the Preamble and Resolutions were adopted.

Mr Barnes, offered the following bill, A Bill to be entitled, An act to require the Several County Courts of the State of Arkansas to levy a tax in kind for the support of destitute Soldiers, widows and families"

Bill read first time

On motion of Mr Barnes, rules were suspended and the bill read a second time by title

Harding moved to lay the bill on the table

Mr Oliver Called for the Ayes and Nays, Call being sustained, were ordered

Those members voting in the affirmative are Messrs Brown, Byrne, Byrd, Berry, Collier of Madley, Collier of Drew, Cheatham, Cornall, Connelly, Hurn Gantt, Goodwin of Columbia, Haynes, Harding, Hawkins, Jones of Hot Spring, McFadden, Neal, Scott, Lucie and Mr Speaker 21.

Those members voting in the negative, are Messrs Barnes, Fletcher, Hurn, Goodwin in union, Gower Harris, Hunt, Murph, Oliver, Phillips, Robins Stoddard, Wilcoxen, Wilson and Whitley 15

So the bill was laid on the table

Mr Fletcher offered the following Resolution

Whereas there is now in operation in the County of Columbia

in this State, a manufactory for Cotton and Wool Cards; And Whereas the limited supply of labor in the Country, prevents the proprietors of the said Manufactory, from increasing their facilities for the manufacturing of the same. Therefore, Be it

Resolved by this House, that General Smith the Commanding officer of this Military Department be earnestly and respectfully solicited, upon application of the proprietors of said Manufactory, to grant such details, as from the military service as may be needful in the extension of their business under such restrictions as he may deem proper and right

Resolved, that the Governor be requested to furnish Gene Smith with a copy of these resolutions

J Fletcher

On Motion of Mr Connell the resolution was adopted.

On Motion of Mr Scott Bill No. entitled An act Amendatory of an act to provide for the relief of needy and destitute families of Soldiers in this State approved Dec 1st 1862 was taken up and read third time, and on motion of Mr Hunt the bill passed.

Mr Williams of Jefferson offered the following bill, A Bill to be entitled An act for the benefit of Jane Freetts, which was read a first time

On Motion of Mr Hawkins Rules suspended and the bill read a second time and on motion of Mr Harding the rules were further suspended and the bill was read a third time, and on motion of Mr Hawkins the bill passed

Senate Bill No 15, entitled An act to change the place of holding the election in Ozan Township, Hempstead County Arkansas, was taken up, and read the first time

On motion of Mr Gould, the rules were suspended and the bill read a second time

Mr Neal moved to amend by inserting after the word "Enacted" the words, "the General Assembly of the State of Arkansas", which amendment was adopted

On Motion of Mr Robins the bill was read the third time and passed

Mr Fuller in the Chair

Mr Jones of Hot Spring moved to reconsider
upon ~~the~~ Senate bill No 2 Entitled An act to Change the penalties
punishments of Certain ~~[illegible]~~ Crimes as now provided ~~[illegible]~~
~~prescribed~~ by law"

On motion of Mr Neal the motion to reconsider
was laid on the Table

Senate joint resolution tendering
thanks of the General assembly to General E. K.
Smith, and all the brave and skilful officers and
his Command and all their heroic Soldiers from
Utah as well as those of Texas, Missouri and Louisiana
their late brilliant and successful Campaign.

Mr Neal moved to amend by striking
after the word "Louisiana," the words, "and the Indian
Department" which motion was accepted
And the Resolution as amended passed

Mr Hurt offered the following, viz
"An act for the relief of William Hutchins Sr.
of Hempstead County, Arkansas"
Bill read a first time

On motion of Mr Russel the rules were
and the bill read a second time

On motion of Mr Neal the ~~bill~~ rules were
suspended and the bill read the third time

And on motion of Mr Neal the bill passed
The following Message was received from His Excellency
the Governor by his private ~~Secretary~~ Secretary

Executive Department
Washington
October 1st 1862

To the House of Representatives
of the State of Arkansas

I have the honor
your body that the "Joint Resolution" [illegible]
payment of dues to deceased Soldiers has [illegible]
[illegible]

House took a recess until 2 P.M.
The hour of 2 O'Clock having arrived it was
re-assembled.

The following Message was received from the
Senate

Mr Speaker

I am instructed to inform you

Hon body that the Senate has passed the following House bills, An act making appropriations to carry into effect, an act entitled, an act for the relief of pensioners in the State of Arkansas, and House joint resolution that the laws passed at the present General assembly be published in the Washington Telegraph &c

The Senate has amended and passed House bill No entitled an act for the supply of salt to the Indigent families of deceased soldiers, and those now in the service in the armies of the Confederate States

The Senate has receeded from its amendment to House bill No 11 entitled an act to establish Soldiers Homes in the State of Arkansas,

all of which are herewith returned

The Senate has passed the following Senate bills No 16, entitled an act supplemental to an act to provide for holding elections for Senators and Representatives from the overrun Districts and Counties in this State, passed at the present Session of the Legislature and Senate bill No 17 entitled an act to amend an act, entitled An act to prohibit the distillation of grain into spirituous liquor in this State approved March 15 1862 which are herewith transmitted for the apart of your honorable body

The Senate has concurred in Senate amendments to Senate Bills No 5 entitled an act to authorize the issuance of letters of administration in certain cases not now authorized by law, No 8 entitled an act for the relief of the widow and heirs of Henry W. Davis deceased of Clark County No 15 entitled An act to change the place of holding the election in Ozan Township Hempstead County Arkansas. No 9 entitled An act for the relief of persons who have lost or ~~[illegible]~~ had destroyed their title deeds to lands &

Senate joint resolution in reference to our military authorities.

The Senate has adopted the following House joint resolution No providing for the exemption of planters and farmers from military service under certain restrictions

No Concerning S. H. Black and his son Charles

Potters of Calhoun County.
No in relation to the manufacture of Cotton Cards in the County of Columbia in this State
The Senate has passed House bill No entitled An act for the relief of Capt John Conley of Yell County Arkansas & House Bill No. entitled An act for the benefit of William Holstein Hungerford of Hempstead County Arkansas which are herewith returned

O H Borden, Secy of the Senate

Mr Whitley offered the following Resolution
Whereas it has pleased an allwise Providence to remove from this world the Hon William H. Threet, who had been elected a member of this House from the County of Monroe, but who had never taken his seat, because there was no session since his election; And Whereas we desire to testify our esteem and regard for his many virtues
Therefore be it
Resolved, 1st That in the death of the Hon William H. Threet, the representative from Monroe, this House has lost an efficient industrious and useful member, the Country a true and tried Patriot, Society an elegant and accomplished gentleman, and his kotters and relations a kind hearted and devoted relation.. 2nd That in devotion to the South and the great Cause for which we are contending he had no superior. Even before the State had dissolved, her Connection with the Union he volunteered as a Southern Soldier and was elected first Lieutenant of the Company and as such discharged his duties faithfully, he was wounded at the battle of Shiloh from the effects of which wounds, in Connection with his Constitution impaired by exposure and disease died in Texas April 12 1864. 3rd That as a testimony of our regard for his memory these resolutions be spread upon the journals of this House

Whitley

House bill No 18 entitled An act for the supply of salt to the Indigent families of deceased Soldiers and others now in the service of the armies of the

Confederate States, was taken up, with sundry amendments made in the Senate

1st Amendment, strike out the word "one" in third line Sec 1 and insert the word "two"

On motion of Mr Collins of Drew concurred in the first amendment,

2d amendment, Amend Section 2 by adding the following "Provided that no person liable to perform military duty shall be appointed either state or sub agent", which second amendment on motion of Mr Tucker was concurred in

Senate Bill No 16 entitled An act supplemental to an act providing for holding elections for Senators and Representatives in the overseer Districts and Counties in this State passed at the present Session of the General assembly, was taken up, and read the first time.

On motion of Mr Olivia the rules were suspended and the bill read a second time. and on his further motion the rules were again suspended and the bill read the third time and passed.

Senate Bill No 17 entitled An act to amend an act to prohibit the distillation of grain into spirituous liquors in this State approved March 15. 1862, was taken up and read the first time,

On motion of Mr Tucker the rules were suspended and the bill read the second time

Mr Phillips moved to lay the bill on the table,

Mr Collins of Drew called for the Ayes and Nays, the call being sustained, were ordered

Those members voting to lay on the table are Messrs Connally, Cannall, Harris Haynes, Hawkins, Jones of Hot Spring, McCracken, Murphy, Phillips, Rose Teague, Williams of Jefferson and Wilson 13.

Those members voting against laying the bill on the table are Brown, Barnes, Byrne, Byrd, Berry Collins of Drew, Cheatham, Fletcher, Hunt, Gantt, Grover Haynes, Harding, Neal, Robins, Stoddard, Tucker Wilcoxen, Whitley and Mr Speaker 20

So the motion to lay on the table was lost.

Mr Collins moved the rules be suspended and the bill read a third time, not agreed to, no call.

Mr Goodwin of Columbia excused on account of indisposition
Mr Rhyne offered the following bill to authorize the Judges of the Supreme Court to hold their Courts at Camden or elsewhere Which was read the first time
Mr Connell moved to suspend the rules and that the bill be read a second time, which was not agreed to, and the rules were not suspended,

Mr Gonzales offered the following Joint Resolution
Resolved by the House of Representatives the Senate Concurring that the two Houses of the General Assembly adjourn sine-die on monday the 3rd day of October 1864

Gonzales

On motion of Mr Hunt the resolution was laid on the table.

Mr Goodwin of Union was excused from further attendance on the House on account of indisposition
Mr Murph was also excused
The following Message was received from the Senate.

Mr Speaker

I am instructed to inform your Hon body that the Senate has passed the following House bills No 16 entitled an act to provide Cotton and Wool Cards and Medicines for the families of Soldiers and to provide paper for the Officers ~~H&c~~ of the State and Counties and for other purposes, Substituted House bill, an act to prevent the County Courts from levying exorbitant taxes,
An act for the relief of Jane Frietts
The Senate has also amended and passed House bill Substitute for Nos 1. 2 and 3. entitled an act to change the time of meeting of the next Legislature
And House bill No 17. entitled An act to require Executors and administrators to appoint agents and to provide for the appointment of guardians in Certain Cases, which are herewith returned

S. H. Taylors
Secy of Senate

Substitute House bill No entitled An act to change the time of meeting of the next Legislature" was taken up with the amendments of the Senate thereon. Senate amend- [illegible] striking out the word "Legislature" and inserting the words "General

Assembly in the bill

On motion of Mr Collins of Drew the House Concurred in the Senate amendment

House bill No Entitled An act to require Executors and administrators to appoint Agents and to provide for the appointment of guardians in Certain Cases, was taken up with the amendments made in the Senate which amendments are as follows, by striking out of the title of the bill all relating to "guardians" and by striking out Sections 3, 4 and 5.

On motion of Mr Neal the amendments were Concurred in.

The following Message was received from the Governor

Executive Office
Washington Arkansas
October 1st 1864

To the House of Representatives
of the State of Arkansas

I have the Honor to inform your Hon body that the following acts to wit; "An act entitled An act to provide for holding Elections for Senators, Representatives and Prosecuting attorneys from the overrun Districts and Counties in this State"; "An act for the relief of a person of this State" and the act to be entitled "An act for the relief of C. H. Oates Secretary of State" have been approved

H. Flanagin

The following Message was received from the Senate Mr Speaker

I am instructed to inform your Hon body that the Senate has passed joint resolution the House Concurring to meet in Convention at 7 O'Clock this evening for the purpose of electing An Auditor, State Treasurer and State Printer in which your Concurrence is respectfully asked

The Senate has rejected House Bill No entitled An act to amend Chapter 162 of Jones Digest in relation to Slaves, which are herewith returned

S. H. Bayless, Secy of the Senate

Mr Teague was excused from further attendance on this House on account of indisposition.

The joint resolution of the Senate in regard to going into Convention at 7 O'Clock for the purpose of Electing an Auditor Treasurer and Public Printer, was taken up, and the House refused to Concur in the joint Resolution.

On Motion of Mr Neal the House went into Secret Session, and after transacting some business, the Secret Session was dissolved and the House went into open Session.

On Motion of Mr Hawkins the House ~~adjourned~~ took a recess until this evening 7 O'Clock

The Hour of 7 O'Clock P. M. having arrived The House reassembled

The following message was received from the Senate

Mr Speaker

I am instructed to inform your Hon body that the Senate has adopted Senate joint resolution No 20 in relation to bonds of State officers, which is herewith transmitted for the Concurrence of your Hon body, which is respectfully asked

S. H. Boyles,
Secy of the Senate

The Resolution of the Senate in relation to bonds of State officers was taken, and read the first time

On motion Mr Hunt the rules were suspended and the resolution read the second time by

On motion of Mr Gould the rules were suspended and the resolution read a third time, and on motion of Mr Gantt the resolution was adopted

Mr Russel Chairman of the Committee on Enrollments made the following report

Mr Speaker The Committee on Enrollments have compared joint Preamble and Resolution Concerning R. F. Black and his son Charles, Potters of Calhoun County.

Also House Bill No 18 entitled An act to supply the families of Indigent Soldiers who have died in service, or who are now in the Confederate Service and have instructed me to report the same Correctly enrolled

Russel, Chairman

The following message was received from the Senate

Mr Speaker

I am instructed to inform your Hon body that the Senate has Concurred in House joint resolution in relation to the improvement of teams which is herewith returned.

The Senate has passed Senate bill No 18 entitled An act supplemental to an act passed at the present Session of the General Assembly entitled An act to provide for the election of Members of Congress to the House of Representatives of the Congress of the Confederate States from the State of Arkansas, which is herewith transmitted for the assent of your Honorable body, which is respectfully asked

P. H. Rogers Secy of the Senate

Senate Bill No 18 entitled An act supplemental to an act passed at the present Session of the General Assembly, entitled An act to provide for the election of Members of Congress to the House of Representatives of the Congress of the Confederate States from the State of Arkansas, was taken up and read first time,

On motion of Mr Neal the rules were suspended and the bill read 2 time, and on his further motion the rules were again suspended and the bill read a third time and passed

Mr Harding offered the following resolution Resolved, That the officers of this House be and they are hereby tendered the thanks of the House of Representatives for the faithfull and efficient manner in which they have discharged their respective duties,

Harding

Which was adopted

Mr Rynne offered the following joint resolution Whereas in the present gigantic struggle for independence on the part of the Confederate States, in which Society has become so terably convulsed, the laws of the land in many instances, set aside put at defiance and trampled under foot, and too frequently the whole Civil law paralized and as in the opinion of this Legislature it is of vital importance, and of the first consequence that the right of the people be not only guaranteed to them, but at all hazards, secured to them, and the Civil law be upheld and maintained in all its purity and vigor and to do this it is necessary that the Courts of the State Supreme and inferior should be held at their regularly appointed times whenever the Condition of the Country, makes such holding

possible and as the Condition of the State of Arkansas makes it incumbent upon the Governor to take care that the laws are faithfully executed and as this Cannot be effectually done, unless the Courts are held regularly, Therefore

Resolved the Senate Concurring that the Governor be and he is hereby earnestly and particularly requested to use all his exertions to put the Judiciary of the State in full operation and that he urge each and all the Judges of the State to hold their Courts at their appointed times whenever practicable — That he take the Earliest Steps to ascertain all Vacancies in the different offices of Clerks, Sheriffs, Prosecuting attorneys and judges in the State, and to fill the Same and

Resolved that he be and he is hereby especially enjoined to exhaust every means in his power to uphold and Maintain the Supremacy of Civil law. To bring to light and have punished all Crimes and all Violations of law, No matter by whom, or where, or when Committed and

Resolved, that all the Means and powers within the reach and Control of the Legislature, be and the Same are hereby pledged to the Executive in his effort to execute the laws and Maintain the Supremacy of the Same.

Which resolution was read and adopted.

On Motion of Mr the House adjourned until to Morrow Morning 8 O'Clock.

J. H. Lowry
Speaker.

Hall of the House of Representatives
Washington Arkansas
Sunday, Morning 8 O'Clock
October 2nd 1864

House Met Pursuant to adjournment,
The Roll was Called, and the following members were present and answered to their names Viz: Thos Brown, Barnes Byrne, Berry, Collins of Drew, Connell, Connelly, Fletcher, Fenn, Gantt, Gould, Harris, Haynes, Hunt, Harding Hawkins, Jones of Hot Spring, McFadden, Neal, Oliver, Phillips Robins, Sissel, Stoddard, Wolcott, Williams of Jefferson, Wilson Whitley and Mr Speaker 27

Mr Speaker announced that there was a quorum present

Mr Neal offered the following bill, A Bill to be entitled, An act Supplemental to an act, which is Supplemental to an act passed at the present Session of the General Assembly, entitled, An act to regulate the elections of Members of Congress to the House of Representatives of the Congress of the Confederate States from the State of Arkansas,

Bill read first time

On Motion of Mr Neal the Rules were Suspended and the bill read the 2d time by title

On Motion of Mr Gantt, the Rules were further Suspended and the bill read the third time.

On motion of Mr Hunt the bill passed

Mr Lisiel from the Committee on Enrollments, made the following report

Mr Speaker

The Committee on Enrollments have examined House Bill Entitled An act for the relief of John Connelly of Yell County Arkansas - House bill No 17, An act making appropriations to carry into effect an act for the relief of Pensioners - House Joint Resolution - and House Joint Resolution in relation to Planters and Farmers. An act for the benefit of William, Hanstein, Hornsmes. An act to change the time of holding the General Assembly. A Bill for the relief of Jane Fritts. An act to prevent County Courts from levying an exorbitant Tax. House Bill No 11. An act to provide Cotton and Wool Cards and Medicines. House Joint resolutions "Instructing our Senators and Representatives" and find the same correctly enrolled.

Lisiel,
Chairman

Mr Byrd from the Committee on Enrollments made the following report.

Mr Speaker,

Your Committee on Enrollments have compared House Joint Resolution in relation to the Cultivation of the Soil and find it correctly enrolled Lisiel for Byrd

The following Message was received from the Senate
Mr Speaker

I am instructed to inform your Honorable body that the Senate has passed House bill entitled, An act supplemental to an act supplemental to an act passed at the present session of the General Assembly entitled an act to regulate the election of Members of Congress to the House of Representatives of the Congress of the Confederate States from the State of Arkansas

The Senate has amended and as amended concurred in House joint resolution declaring the supremacy of the Civil law, which is hereunto returned for your further ~~further~~ consideration

D. H. Poyless, Secy of the Senate

The amendment of the Senate to the House joint resolution declaring the supremacy of the Civil law, which ~~[illegible]~~ Amendment was by striking out "Legislature" wherever it occurred in the resolution, and insert the words "General Assembly"

Whereupon on motion of Mr Byrne the House concurred in the Senate amendment.

The following Message was received from the Senate

Mr Speaker: I am instructed to inform your Hon body, that the Senate has appointed Messrs Trimble and Smith to act with such committee as may be appointed by the House of Representatives to wait upon His Excellency the Governor and inform him, that the General Assembly has finished its business and is now ready to adjourn sine die

D. H. Poyless, Secy of the Senate

On motion the House concurred in the Senate's Resolution and the Speaker appointed on the part of the House Messrs Neal and Gantt, to act with the Senate Committee

The Committee on enrollments made the following report

Mr Speaker

Your Committee on enrollments have examined House bill No to be entitled an act supplemental to an act, ~~[illegible]~~ which is supplemental to an act passed at the present Session of the General Assembly entitled, An act to regulate the elections of Members of Congress to the House of Representatives of the Congress

of the Confederate States from the State of Arkansas
Also House joint Resolution declaring the Supremacy of the Civil law, and find the same Correctly enrolled.

Rissel, Chairman
By Ryan Member of Com.

The following Message was received from the Senate
Mr Speaker

I am instructed to inform your Hon body that the Senate has passed a resolution to adjourn this day at 5 O'clock

A. Bayless Secy of the Senate

The joint Resolution of the Senate, that the two Houses of the General Assembly adjourn this day at 5 O'clock P.M. Sine die, was taken up and read

On Motion of Mr Neal the House Concurred in the Resolution of the Senate to adjourn this evening at 5 O'clock P.M. Sine die

The following Message was received from the Governor

Executive Department
Washington Oct 1. 1864

To the House of Representatives
of the State of Arkansas

I have the Honor to inform your Hon body that I have approved.
The act to be entitled, An act for the Supply of Salt to the indigent families of deceased, Soldiers and those now Surviving in the armies of the Confederate States
The Act to be entitled an act to provide Cotton and Wool Cards and Medicines for the families of Soldiers, and paper for the Offices of the State and Counties, and for other purposes.
The act to be entitled, An act for the benefit of William Holstein Hargroves of Hempstead County Arkansas
The act Making appropriations to Carry into effect an act entitled an act for the relief of Pensioners in the State of Arkansas.
The act to require Executors and administrators to appoint agents
The act to establish Soldiers Homes in the State

of Arkansas.
The act to be entitled an act for the benefit of Jane Hinetto.
The act to be entitled an act to prevent the County Courts from levying an exorbitant tax.
The act to be entitled an act to change the time of the meeting of the next General assembly.
The Resolution instructing our Senators and Representatives in Congress respecting detailed Farmers.
The Resolution respecting the Cotton and Wool Card Manufactory in Columbia County.
The resolution respecting the publication of the laws passed at the present Session of the General assembly
The resolution concerning P. F. Black and Jno Ben Charles - Jailers in Calhoun County
The resolution in regard to the Civil laws
The supplement act in regard to elections.

H. Flanagin

(The following should come in before the Governors Message)
The following report from Mr Neal Chairman of the Special joint Committee, to wait on his Excellency the Governor

Mr Speaker

Your Committee appointed to wait on his Excellency the Governor and ascertain whether he has any further Communication to make to this House have performed their duty and have to report that His Excellency has informed them that he has no further Communication to make and know no cause why they may not adjourn sine die

Neal Chairman

Which report was adopted
The following Message was received from the Senate

Mr Speaker

I am instructed to inform your Honorable that the Senate has finished all the business before it and is now ready to adjourn sine die

S. H. Baylis, Secy of the Senate

On Motion of Mr Neal the House concurred in the Senate Resolution
On motion of Mr Neal the House adjourned sine die

J. F. Lowry
Speaker